PROCEEDINGS

AND

### DEBATES

OF THE

### HOUSE of COMMONS,

In 1620 and 1621.

Collected by a MEMBER of that House.

And now Published from his Original Manuscript, in the Library of QUEEN'S COLLEGE, OXFORD.

With an APPENDIX:

In which some Passages are illustrated from other Manuscripts.

VOL. II.

#### OXFORD:

At the CLARENDON PRESS, M DCC LXVI.

Sold by DAN. PRINCE, at Oxford; and by J. RIVINGTON, in St. Paul's Church-Yard, and J. Robson, in New Bond Street, London.

### PROCEEDING

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### DEBATES

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## HOUSE of COMMONS

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### DEBATES

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### HOUSE OF COMMONS,

mix all hard die in 1621.

#### Wednesday, May 2.

A N Act touching the taking of Apprentices, L. 7.
and Money with them."

By this every Man that hath a Plough Land shall take an Apprentice, on Pain of Ten Pounds, and that the Churchwardens shall place the said Apprentices: That any Handicraftsman that taketh above Ten Pounds with an Apprentice shall forfeit triple the Value.

"An Act against the Misemployment of Lands, L. r.

"Tenements and Hereditaments given for the

"Maintenance of Highways."

"An Act for the freeing of Fishermen from pay- L. 11

" ing of Custom, Poundage, Subsidy and Tonnage

" for Fish taken on the Seas in or near the Coast of "Ireland; or for the making, taking, falting, serv-

" ing, or importing fuch Fish."

VOL. II.

By this, that no Fisherman of this Kingdom shall pay any such Custom, Poundage, &c.

"An Act for the better Relief of the Poor, in L. 24

of .

" or within Three Miles of the City of London."

By this every Landlord shall be rated Two Shillings for every Twenty Shillings that he taketh for any poor Cottage in any Alley, or by or back Place

of the faid City; with a Proviso, unless the Landlord will give good Security for to save the Parish harmless from all Charges that all such poor Tena ts may put them to.

SIR William Stroude faith, that this Bill will be a Cause to raise the Rent of the Poor, and so to make

more Beggars.

SIR Ed. Mountague saith, that, if we make not this Bill general for the whole Kingdom, it will be an Occasion to drive all the Poor into the Country, and therefore he would have it made a general Bill. [This Bill is committed.

THE Speaker saith, that it hath pleased the King to command a Stay of the Execution of the Punishment imposed by this House on Floid; and therefore he will stay the Sheriffs from the Execution of that Order, till we have received the Message from the King.

MR. Alford faith, that this nearly concerneth the Privileges of this House; and therefore he desireth, that we will not proceed to debate the same till the

House be full.

SIR Edward Cooke's Report concerning the Patent of Gold Folia. That, by this Patent, it is lawful for Dr. Egleston, one of the Patentees, to enter into any Man's House, and seize his Goods and Instruments, &c. That this Patent is against the Statute of 5 Eliz. because they were before of the Company of Goldsmiths. Sir Hen. [ . . . . ] was the Referree, who certified for this Patent.

It is resolved by Question in the House, that this Patent of Gold Folia is a Grievance in the Creation

and Execution.

MR. Mallary faith, that he would not have any Man fit in this House, that hath been a Protector or Furtherer of any Patent, which is, or hath been condemned as a Grievance here; aiming by this at Sir Edward Villars, who was a Sharer and Protector of the Patent of Gold and Silver Thread.

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MR. Sollicitor would have us first hear any such Party, before we make any such general Order; for, if it be made to exclude any one, it may involve every Man in the House.

MR. Mallary saith, that we did put forth Sir Robert Flood for projecting and maintaining of a Patent; and he desireth, that the House will consider in like Manner of all the other Members of this House who are Sharers or Maintainers of any Patent.

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SIR William Spencer faith, that, we having condemned a Patent for the fole making of Gold and Silver Thread, and delivered it up to the Lords, and divers of the Offenders with it, he would not that we should entertain, as a Member of this House, any one that is touched in that Patent, till we have Notice whether he be cleared or no.

SIR Edward Villars saith, he perceiveth that he is the Man that these Gentlemen, who spake before, aim at: he staid forth of the House till the Attorney Yelverton, Fowles, Dikes, and the rest of the Agents in that Patent weree xamined, as the Lords of the Upper House advised him; and there being nothing laid to his Charge by any of them, he thought he might now come into this House without Exception.

(155) Mr. Alford faith, that, if on Examination of the Lords Sir Edward Villars be clear, then we may admit of him; and therefore he would have us, either privately or by Message, to understand how he stands before the Lords.

SIR Ed. Villars doth, by the private Advice of fome of his Friends, withdraw himself, because such is the Custom, when any thing is debated here concerning any Member of this House.

THE Master of the Wards would have us to confider, that Sir Ed. Villars had but a Pension out of the Profits of the said Patent, and so have also many other Members of this House out of other Patents; and besides Sir Edward Villars was an Ad-

B b 2 venturer

venturer in it, and so also was the Lady Bedford; and Sir Ed. Villars is here charged with no other Fault.

Sir Samuel Sandes moveth, that we do not judge Sir Ed. Villars before we have a Crime against him, but would have us proceed in our other Businesses which are in Hand; and so prayeth us to do in the Name and for the Sake of the Commonwealth, and that we go on with those needful Bills and Businesses which we have begun.

SIR Nath. Rich moveth, that we should either judicially condemn, or judicially clear Sir Ed. Villars; for he would not that the Lords should judge a Member of this House whilst he is a Member here.

SIR Robert Phillips saith, that Sir Henry Yelverton said, that Sir Edw. Villars did press him to commit some Men, touching the Execution of the Patent of Gold Thread; and divers poor Men did here testify, that Sir Ed. Villars did threaten them with perpetual Imprisonment. He would have Sir Ed. Villars to forbear coming into the House, till the Lords have certified the Particulars of the Business touching him.

MR. Denny would have Sir Ed. Villars to come and fit here till a Committee have examined what is alleged against him, as it was ordered in Sir Robert

Flood's Cafe.

SIR Edwin Sandys faith, that, if there be a Committee appointed to examine the Accusation against Sir Ed. Villars, there is no Question but he might sit in the House till his Answer were heard.

It is thought fit by this House, that this Business thus debated shall rest without any Notice to be given to Sir Ed. Villars whether he shall come in or no, that he may do as himself shall think best.

Bur his Friends so advised him as that he did not come into the House, till a long Time after that the Lords had sent hither a Message whereby their Lordships cleared him.

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Mr. Chancellor of the Exchequer delivereth a Message from his Majesty; who hath taken Care and Notice of what was done here Yesterday, and saith, that he giveth this House Thanks in the Likeness of a King and of a Father; and as a Father doth defire, that our Zeal to him doth not transport us to Inconveniences: - That he would have us first query, whether the Liberty of this House can warrant us or give us Power to fentence one who is no Member, nor Offender against this House, nor any Member of it; secondly query, whether we can or will sentence a denying Party, other than on Oath:-That the Lords did desire Sir Henry Yelverton, because he was the King's Prisoner, and would not meddle with him till his Majesty had commanded him to be delivered to them; and his Majesty would have us to confider whether we will not shew the like Respect to his Majesty, Floid being his Prisoner, as standing committed by his Council. He would have us leave this to him, and he will be careful to punish Floid according to the Greatness of his Fault.

THE Master of the Wards delivereth a Record from the King, which his Majesty commanded him to acquaint this House withal; and saith, that the King saith, that he will, on View, confirm what Privileges we have, and would have us rest assured of it.

THE Record fent by the King goes formewhat to this Purpose.

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"ROTULUM Parliamenti 1 H. 4. Que les Commons ne soyent point parties aux jugements; que le jugement appartient seulement aux Seigneurs, ou seulement au Roy mesme, excepte ou le Roy

" leur donne speciallement authorité."

MR. Alford desireth, that, since our Ship hath touched on a Rock, we may come off clear:—That there are Precedents where the King hath pardoned (156) the Party, whom the Houses of Parliament have judged; and that he wisheth his Majesty would do

B b 3

fo

so in this; for that it is expected that otherwise our

Sentence should be executed.

MR. Noye faith, that there is no Doubt, but that the King may stay Execution of Judgment given in any Court :- That, in the Cafe of Latimer, the King did pardon the Offender after Judgment given by the Court of Parliament. He would that we should fend a Supersedeas for the Stay of Judgment, with this Reason in it, because it hath pleased the King to spare the Execution of the Judgment we gave. He faith, that we may judge our Members, or one that offends against this House, or a Member of it; but in other Cases, and of other Persons, he thinketh it belongeth to the Lords; and shall be of that Opinion, till he feeth some Precedent to the contrary; That, fince we have given Judgment, he would have us appoint a Committee to fee, whether we have done it justly or no.

SIR Henry Poole faith, that he hath heard, that we and the Lords did fit all in one House together, and then we did give Judgment with them. He defireth a Committee may be appointed to feek forth Precedents for the same; for, if we were once joined with the Lords, and have given Judgment with them, then he would have us seek how we parted

with that Power.

MR. Hackwell would not have a Committee appointed to examine what we have done; for he hath been a diligent Searcher for Precedents in this Kind, and can find none; but he would have us fend to the Sheriffs prefently, by an Order of this House, that we will, that, for Causes best known to ourselves, they should forbear the Execution of that Judgment till they hear further from us.

SIR Ed. Sandys would have present Answer given to the Sheriffs, as Mr. Hackwell spake; and that in the Afternoon we should acquaint the Lords with

what we have done.

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SIR Edward Cooke wisheth, that his Tongue may cleave to the Roof of his Mouth, that faith, this House is no Court of Record; and he that faith this House hath no Power of Judicature, understands not himself: for, though we have not such Power in all Things, yet have we Power of Judicature in fome Things, and therefore it is a Court of Record. The King's Bench can meddle with no real Actions, nor the Common Pleas with any Business concerning the Crown, and yet are they Courts of Record:-That no Liberty can be taken from any Court, but by Act of Parliament; and this Record fent hither by the King is no Act of Parliament, and therefore cannot prejudice our Liberty: Multi multa, nemo omnia norit: - That he knoweth that this is a Court of Record, or else all the Power and Liberty of this House were overthrown. He would have no Supersedeas to be fent to the Sheriff, because he hath no Warrant for to fee the Execution of the Sentence on Floid; but would have a Message sent by Word of Mouth, that we will spare the Sheriff's Attendance till another Time, when they shall have further Warning.

It is ordered accordingly, and a Message by Word of Mouth is sent to the Sheriffs by our Usher or Serjeant, that we discharge their Attendance, till we

shall give them further Warning.

SIR Robert Phillips moveth, that, fince we have given Testimony of our Duties to the King more than any Precedent doth shew of the like to any King, he thinketh it good that we beseech his Majesty, on so good an Occasion, to give us Leave to create this Precedent, that our Judgment and Sentence may not be scandalized.

SIR Ed. Mountague would not have us to go to the Lords: It is no Prejudice for us to stay an Execution; and therefore he would have us (in Defence of what we have done, and to maintain our judgment

and

and Sentence) to frame a Bill to this Effect, and to despatch the same with all Expedition.

MR. Crewe faith, that we decline from what we

have done, if we strengthen it by a Bill.

Mr. Sollicitor would have us go to the King with Thanks for his Care, and to let his Majesty be acquainted with the Reasons of our Judgment, and to defire his Majesty to confirm it. He liketh well of having a Bill, but thinks it will be too tedious.

Mr. Finch faith, that it hath been resolved in the King's Bench, that a Habeas Corpus cannot be granted to remove a Prisoner committed by the Lords of the Council. He would have us to befeech his Majesty to corroborate our Power in this Business, that our Judgment or Sentence may be put in Execution, fince the same proceeded out of our Zeal to his Majesty and his Children.

SIR Dudley Digs faith, that the Sentence is given and known abroad, and now to take away any Part of it would but lay a Stain on the Judgment of the House; and therefore he would have us send to the King, and defire, that, fince we have been a dutiful Parliament, he would be pleased to confirm the Sen-

tence we have given.

Wednesday, May 2. In the Afternoon. THE Speaker being in the Chair.

It is agreed, by Question, that the Speaker, accompanied with some of this House, shall go to the King with a Message concerning this Business of

Mr. Noye would, that we should give his Majesty full Answer to the Record:—That we should fignify to his Majesty, what we have done in this Particular; but, for the general of his Majesty's Queries, touching the Privileges of this House, to acquaint his Majesty, that, the Sentence being executed, we will, with all convenient Speed, labour to fatisfy his

Majesty,

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SIR Edward Mountague faith, that by the ancient Course of Parliament we may not appoint what Number shall go in a Message to the King, nor when, nor to what Place; for those Things always stand in his Majesty's Pleasure to appoint.

It is ordered, that all those of the Council, who are in our House, shall go to the King, to signify to his Majesty, that we desire, that all this House with the Speaker may attend his Majesty; or, if not all of us, then so many as his Majesty will appoint, and at the Time and Place his Majesty shall set down.

THE Master of the Wards would have the Message, which we send by the Speaker to the King, to be, that our Love and Zeal were the Ground of our Judgment; and therefore to desire his Majesty to deal with us as a Father herein; but he would have us first of all answer to that Paper or Record that he sent us.

IT is ordered, and a Committee appointed to go presently to draw the Message which the Speaker shall deliver to the King.

- "An \* Act for the naturalizing of Dorothy Stile, "Daughter of Thomas Stile, Merchant of London, being born in Prussia."
- "An + Act for the naturalizing of divers of the Solfburies and Kiks.
- "An Act t for the naturalizing of Mrs. Albinia" Cecil, Daughter of Sir Ed. Cecil, Knight."

Mr. Secretary reporteth the King's Answer to the Message, that the King is graciously pleased, that all the House, accompanied with the Speaker, shall come to speak with him tomorrow, touching the Censure given by this House on Floid, in the Afternoon at Two of the Clock, in the Hall at Whitehall.

- " las, Knight, a Scotchman, and Treasurer of the Prince's Houshold."
- "AN + Act for the naturalizing of Sir Rob. Ayton, and Serjeant Boye, Serjeant of the King's Wine"Cellar, both Scotchmen."

#### Thursday, May 3.

- "An Act for the annexing of divers Prebends of "Riford to the Vicarage of St. Mary's in Litchfield, and also to make the said St. Mary's a Parish "Church."
- "In the several Counties of Cornwall, Devon, and Dorset, upon John Mohun, Esquire, and the Heirs Male of his Body, according to Agreement between him and his Father, Sir Reginald Mohun, Knight and Baronet."

  [Committed.
- L. I. "AN Act for free Trade into the Kingdom of "France." By this is confirmed the Statute of 3 Jac.
- "Wool and Yarn, and for the avoiding of divers "Inconveniences which may hereafter hinder the fame."

By this the Statute against Transportation of Wool, Woollen Yarn, and Fuller's Earth, is to be in Force: The Justices of Peace have Power to swear and authorise Two Searchers for the finding out of such Wool, &c. as shall be at any Time transported, or prepared to be transported:—That no Man shall pitch his Sheep above once in a Year, and with but one reasonable small Pitch Mark:—That none shall spin Yarn with other than Oil, nor use any Deceit to mar the Yarn, or to make Wool weigh more heavy:
—That the Statutes of 39 and 43 Eliz. shall be in

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<sup>\* +</sup> Paffed our House.

Force and extend to Broad Cloths:—That the Merchant Adventurers, and all others accustomed to buy there, shall freely buy their Cloth in Blackwell Hall, from Thursday Morning till Thursday Night; and that after, viz. on Friday till Twelve of the Clock, it shall be lawful for all others, whatsoever, to buy such Broad Cloths there; and that there shall be forseited Fourpence for every Pound of Wool not wound.

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" An Act for the making of the River Ouse na- L. 2. " vigable from Humber to the City of York."

It is the Opinion of the House, that, albeit a Thing be resolved by the Vote of the House, yet any one may speak (if Occasion be given when a Bill concerning it is preferred) against such an Opinion of the House: The Reason is, the Freedom of the Members of the House is such, as they may not be restrained of their Liberty of Speech.

"An Act for the Restraint of Transportation of L. "
Iron Ore, Cast Iron Ordnance, and Cast Iron Bullets."

By this Act it is made Felony to transport any fuch Iron Ore, Cast Iron Ordnance, &c. and the Ship to be forfeited; and all those, who are knowing and concealing of the Transportation of any such Iron Ordnance, &c. shall be accessary of Felony.

"An Act for the avoiding of unjust Exaction of L. 2. undue Fees in Courts of Justice."

SIR Henry Poole moveth, that this Act might extend to Ecclesiastical Courts of Justice.

SIR William Brereton moveth, that this might extend to the County Palatine of Chester, where they have all Courts of Justice as are here at Westminster, and the Fees are much exacted.

SIR Guy Palmes would have this also to extend to Judges of Assizes' Men.

THE Master of the Wards would have it reach farther than since the King's Time, that it may not lay a Stain on the King's Honour, as though Exactions of Fees had only been since his Reign:—That it should not tie the King's Hands from erecting of new Offices, but would have it be that there should not be an Exaction or Increase of Fees on the Subject; and he would have it, that no newer or greater Fees should be taken than were taken in I Eliz. and that no Fees or Offices should be erected by the Judge or Judges in any Court, but only by Act of Parliament.

Sir Edward Cooke saith, that 22 H. 6. an Office by Prescription for packing of Cloths, and divers other Offices were made void:—That, by 13 H. 4. no new Fee may be set to any Office but by Act of Parliament:—That a Grant of any Office without a Fee is void, as in 27 H. 8. whether such Grant be made by the King, or by a private Man to any one to be Steward of his Land.

Mr. Sollicitor faith, that in 40 Eliz. there was a Jury to present on Oath all the due Fees of the Courts of Justice; and therefore it was in the Bill expressed to have the Fees limited to those of that

Time.

SIR Henry Anderson desires, that this A& may ex-

tend to the County Palatine of Durham.

SIR Francis Vane saith, that the Receivers do not only take their Fee as Poundage, but they exact alfo Three Shillings for every Acquittance they give.

SIR Ed. Giles moveth, that also the Fees of the Officers of this House of Parliament may be also

confidered of.

SIR William Cope moveth, that this Act may extend to all Towns Corporate, in which there is a greater Exaction of Fees than there is here at Westminster; and that the Fees of every Court there may be expressed particularly in this Act, that all Men may take Notice of the same.

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This is committed to be fet on Monday, and the Committee hath Power given to fend for all Officers

that they shall think fit.

Mr. Noye moveth, that an Act may be made, that a Penalty may be laid on all fuch as buy and fell Offices, or broke in the fame; for now Offices are as Benefices, and the felling of Offices is the Caufe of the Exaction of Fees on the Subject.

A COMMITTEE is ordered and appointed to draw fuch a Bill concerning the buying and felling of Of-

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THE Substance of the Message to be delivered by the Speaker, from this House to the King. To present to his Majesty, first, all humble Thanks for his gracious expressing and understanding of our Disposition and Affection in the Sentence which was by this House given on Floid, the malicious Reviler of his Majesty's Children:—To shew his Majesty, that it was not the Intent of the House to exceed Precedents, nor to win any further Power to ourfelves; and, though we will not dispute the juridical Power of this House, yet we humbly shew, that that Precedent (which his Majesty sent to us) doth not bind us now, because it is no Act of Parliament :-To defire humbly, that his Majesty will be pleased to strengthen and countenance this Sentence, fince the Ground and Cause of it was our fervent Desire to express our humble and hearty Affections to his Majesty and his Children.

Mr. Secretary faith, that the King hath in this Particular made a Question of the Power of our House; and for us to stand upon this Power of ours, he holdeth it unsit, unless we were better provided with Precedents than he thinketh we can have; for, if the King should deny it, we are for ever barred.

THE Master of the Wards saith, that in this Bufiness we have to deal with the Lords as well as the King; for this Sentence of ours doth concern their Lordships and the Privileges of that House:—That

our

Defire to have our Sentence confirmed, is in a Manner to defire to make a new Precedent :-- He would have us to take fuch a Care to fatisfy all, as that the Lords may not claim that their Privileges are interested in this Business, which, they may perhaps say, appertained to them.

A Message from the Lords to defire us to fit, because the Lords shall have shortly Occasion to fend

to us about some Matter of Importance.

Answered, that we will fit, but the Attendance we are to give his Majesty doth require we should

rife fomewhat fooner than ordinary.

MR. Hackwell faith, that the Precedent fent to us by his Majesty doth not bind us any more than it doth the Lords; for in it is expressed, that the Lords could not judge alone, which the fucceeding Practice fince sheweth to be otherwise; but we cannot shew any Practice that we have alone given Judgment in the like Case to this of Floid.

SIR Ed. Mountague faith, that the Intention of the Committee, who penned this Message, was rather to rely on the King's Favour, than to stand on

a luftification of what we have done.

SIR Edward Cooke faith, that, by the Paper sent to us by the King, it is fet down, that we have no Power of Judicature; but every Man knoweth, that we have judged those of our own House, and others also for a Contempt or Offence against this House, or any Member hereof.

A Message from the Lords, to fignify, that their Lordships are ready to give Sentence and Judgment against the Lord Chancellor; and, if it please us, with the Speaker, we may demand that Judgment.

Whereupon the whole House went to the Upper House, and by our Speaker did demand Judgment.

SIR James Ley, Lord Chief Justice of England, given against Sik Jumes Ley, Lord Chief Julice of England, ibeLord Chan- being then Speaker of the Upper House, said, that collor Bacon. that House had examined on Oath the Crimes wherewith the Lord Viscount St. Alban, late Lord Chancellor

Judgment

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Law If th he d cellor of England (for before this Judgment was given, the King had taken away the Seal, and delivered it to four Commissioners, to keep, and delipatch such Businesses as should be needful) stood charged; and that they find, by divers Witnesses, as well as by his own Confession, that he is guilty of the Crimes, Corruptions and Briberies wherewith he is charged; and have therefore sentenced and judged him to pay for Fine and Ransom Forty Thousand Pounds; to be committed to the Tower during the King's Pleasure; to be disabled for ever to bear any Office in the State or Commonwealth; and to be banished from coming at any Time to the Court, or within Three Miles of the Verge of the Court.

#### Thursday, May 3. Afternoon.

THE Speaker delivereth our Message to the King,

our whole House being present.

THE Speaker's Speech Vid. fol. 158; with this also, that we think the Record sent us by his Majesty is no other than an Answer to a Petition exhibited by the Commons "That we beseech, that the "Execution of the Judgment given by us on Floid

" may not [to] be deferred, to the Discomfort of his Majesty's Commons, and the Discouragement

of that House."

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THE King answereth,

That he ever speaketh from his Heart:—That he will shew at all Times to us a fatherly Love and a fatherly Care:—That he would have us to proceed with Businesses in a right Course. He knoweth, that what we have done proceedeth out of Love to him and his Children, but out of too great a Zeal comes Heresy; and saith, that we have proceeded with too much Celerity and Alacrity:—That the Lawyers who were present are not to be excused. If that Floid be guilty, (as his Majesty believeth) he deserves a greater Punishment: If our Precedents

dents be good, and done in a peaceable Time, they (160) are lawful; but Reason (whereby we say we will shew that we have Power to judge the said Cause) hath so great a Latitude, as he knoweth not how to answer it; for it is both his Opinion and ours, if Judges go to Reason, and leave Point of Law, they wander. He would have us seek forth Precedents to shew the same:—That his Majesty even now received a Petition from Floid, who confesseth the Deed, but yet would not have us condemn a denying Man, but by Witnesses on Oath. In the mean Time (till we have presented to his Majesty a Petition of what we desire) his Majesty will see such Punishment inslicted on him as we shall think enough.

His Majesty saith farther, that the Company of Merchant Adventurers have been with him, for that we seek to abridge them of what they have granted them by their Charter. He saith, that that Company are no Mushrooms, but are an ancient Company: He would have us meddle with Abuses, but not with what belongeth to the King and State, till we had first acquainted his Majesty with it:—That he will not acquaint us with an Abuse done to ourselves, for we shall know of it in Time: He would have us work like Bees, and make Honey for our-

felves.

#### Friday, May 4.

PETITION of the Master and Fellows of Magdalen College, in Cambridge; whereby the Petitioners defired to have a Decree, made in the Chancery against that College, on the Behalf of the Earl of Oxford, reversed, because it is directly against an Act of Parliament.

DR. Googe, a Member of the House, being Governour of that College, did ask Leave to speak in the Behalf of the said College; whereupon

SIR Edward Cooke saith, a Member of this House may be heard in a Business wherein he finds himself

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grieved:—That it is a judged Case, that a Man may argue or be a Judge in a Cause wherein he is a Governour or a Party en droit d' autruy.

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SIR Edward Mountague saith, that it is sit that we should hear a Party; but this is a Petition of such a Nature, that we can do nothing in it but by Bill: and therefore he thinketh it sit, that we should hear the Member of this House, but he thinketh it will be most seasonable when the Bill is preferred.

IT is ordered, that this Petition shall be drawn into a Bill; and that then Dr. Googe, who preferred the Petition, shall be heard to speak to it, albeit he be Warden of the said College.

A MESSAGE from the Lords, desiring us to sit as a House, with our Speaker, in the Afternoon, because it is very like their Lordships shall have Occafion to send to us.

Answer, That we will fit accordingly.

"An Act for the Explanation of former Laws made against Popish Recusants, and for the preventing of divers Evasions from the Penalty of those Laws."

MR. Pymme moveth, that the non-receiving of the Communion may be added to this Bill, for a Mark or Badge of a Recusant, as well as the Forbearance from the Church:—That there may be a View or Survey of all Recusants' Estates, that it may be the better known how to set them:—That such a Recusant's public Confession of his Fault should precede his Admittance into the Church.

SIR Thomas Hobby saith, he hath known Eightynine Recusants conformed, and yet none of those
could be admitted into the Church, till they had
paid their Fees for their Recommunication and Admission both in and out of the Church in the Ecclesiastical Courts, and it will likewise cost such a Recusant that becomes conformable Ten Pounds in
Fees in the Exchequer; and he cannot be admitted
Vol. II.

in forma pauperis, as in other Courts he may. He desireth, that these excessive Fees may be considered of and lessened.

SIR Edward Cooke moveth, that all such Recusants that are conformed should come freely into the Church without paying any Fee at all, and that it

might be so expressed in this Bill.

SIR Edwin Sandys faith, the Debate of a Bill in the House is a good Direction to the Committee: That the Excess of Recusants is such as may threaten the Crown, for all Papists depend on another Sovereignty:—That there are two Sorts of Reculants; 1. for Conscience, because they think not our Religion the true Religion; the other Sort are for Faction. (16) To reclaim the first, we must take Care to instruct them aright, and [to] take Care that they be not misinformed or seduced. We had in Queen Elizabeth's Time, Four Hundred Priefts, and Sixty Jefuits, notwithstanding the Care that her Majesty used:—That it is to be feared, that now both these Numbers are doubled:—That Priefts and Jesuits do increase their Numbers by two Engines; first, by the Inquisition, whereby the Bible is taken from them; the other, by their Colleges or Seminaries, which Gregory 13. established, and got the King of France to set up a Seminary at Rheims, which came to nothing:-That the Pope also got the King of Spain to fet up two Seminaries; the one in Spain, the other in Germany, at St. Omer's; and at this Seminary at St. Omer's, the Spanish Pension failing of Payment, they got an Order, that who foever would be of that Seminary must bring with him Twenty Marks: and there have been, fince our King's coming, an Hundred and Forty Gentlemen's Sons of this Kingdom, who have here fold their Estates to go live there; and every one of these give at least Twenty Marks apiece for their Admittance, and do turn all or most of them to be after a while Priests and Jesuits. He desireth, that Consideration may

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Mr. Alford saith, that this was in Debate in Queen Elizabeth's Time, and was crossed because it was thought unfit that the Queen's Hands should be tied, or the Lords of the Council's from giving License to any to pass over Seas. He desireth, that there may be a better Care had to whom such Licenses are granted, and that it may not be in the Power of Two or Three of the Lords of the Council to give a License for Passage or Travel.

SIR Dudley Digs faith, that most of all the Jesuits' Colleges (which are held the best beyond Sea) are taken by a Pattern of ours here. He wisheth, that it might be unlawful for any Man to travel, till he be of Age, and of good Years of Discretion.\*

MR. Secretary delivereth a Message from his Majesty. That his Majesty, as soon as we were Yesterday parted from him, gave Order to his learned Council, to see whether Floid had confessed the Fault (for which this House sentenced him) or no; and the Petition which was delivered Yesterday to the King, (and which his Majesty Yesterday mentioned) was not from Floid himself, but from Floid's Son: But Floid himself absolutely denieth the Words, and therefore his Majesty will send it and him to the

Lords tomorrow, that the Witnesses against him

may be there examined on their Oaths, and that Floid may be punished as severely, or more, than we

adjudged him to be: That his Majesty expects our

Aniwer, touching our fending him a Petition, and

Majesty's Prisoner.

Mr. Sollicitor saith, that he and Mr. Attorney did, by the King's Command, examine Floid, who

<sup>\*</sup> This Bill is committed to the whole House,

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Mr. Sollicitor faith, that he and Mr. Attorney did, by the King's Command, examine Floid, who denieth absolutely the Words for which he is here

<sup>\*</sup> This Bill is committed to the whole House,

fentenced; and the faid Floid doth also deny another Business which Mr. Attorney did put him in Mind of, and had under the said Floid's own Hand:—That the King said he did the less believe Floid for his denying that other Business; and that his Majesty said, that, if we can find out a better Way for this Business of Floid than to go to the Lords, he shall like well of it, but would not have us condemn a denying Man without Witnesses on Oath.

SIR Robert Phillips saith, that we censured Floid out of our Duty and Respect to the King and his Children, wherein we shewed our Love and our

Duty; but we are unfortunate.

MR. Alford faith, he will never confent that we should send this to the Lords, for that would be a Scandal to our Judgment; and that, if we sit down that the Lords may have it out of our Hands, we are unworthy of being Parliament Men. He saith, he must say thus much, though he never speak more.

SIR Dudley Digs saith, that we have done herein our best; and, though we have not done such as may be executed, we have yet shewn ourselves good Subjects; and therefore he would have us go on with what may be good for the Commonwealth.

MR. Mallet faith, that he would have this Business thus rest; for we have discharged our Consciences.

SIR George Moore saith, that he conceiveth, that what we did in Floid's Business was Justice and done (16) justly:—That the Civil Law saith, that in rebus dubiis & obscuris Judgment shall be given on Oath; but, where the Matter is clear, Judgment may be justly given without Oath: and these Words were clearly proved to us, by the Concurrency of divers Witnesses; and therefore what we have done is done justly. He would not have us go to the Lords, but saith, we have discharged our Consciences; and, if that which we have done may not be executed, he would not have us to hinder our other Businesses by further Dispute hereof.

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SIR Thomas Rowe saith, he thinketh the Liberty of our House is hereby shaken: He thinketh our Judgment was rightly given, and therefore would have it stand on Record as our Claim. He saith, he hath heard, that the Lords cannot take Notice of a Grievance but from us; and, if by this Means the King send this Business to the Lords, we shall then exclude ourselves, and the Lords will henceforth deal in such Business without us, and so we shall lose that Privilege.

SIR Henry Poole faith, he thinketh nothing can be done herein without Prejudice, if we are not Parties to it: He thinketh therefore, that a Bill is the best

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THE Master of the Wards saith, that we have herein appealed to the King, and we can go no higher, neither would wish that we should go any lower: He would have us petition the King to deal with us as a Father herein, and to take it into his own

Hands, without preferring it to the Lords.

SIR Samuel Sandes faith, that a Kingdom or Family being divided cannot fland. It is a Maxim in this House, that a Member of this House may not speak against what is here done:-That he thinketh, that which was here done against Floid was out of our Love to his Majesty and his Children, and with Justice; and, if this Sentence be erroneoully given, let the Party adjudged appeal. He faith, that we are a Court of Record, and every Court of Record hath Power to give an Oath; and Want of Use taketh not away the Jurisdiction of a Court. He would have our Judgment entered, and, if our Love to his Majesty and his Children hath herein corrupted us with too much Zeal, let him be the Judge of it, for whose Sake we were so corrupted. He faith, that the Ceremony of taking an Oath on a Book is de puisse temps; and this was a Court of Record before that Ceremony was used in the giving of an Oath. He defireth again, that our Judgment Cc3

may be entered, and then, if the Party adjudged appeal, let him take his Course; we have discharged

our Consciences.

MR. Smith saith, that, if the Lady Elizabeth had been present, and complained to the Earls Marshal, they would have punished Floid without ministring an Oath to the Witnesses, for they can give no Oath:—That he knoweth that the Earls Marshal have punished and imprisoned without Oath in his own Case; and shall we, who are the Representative Body of the whole Commonwealth, doubt whether a Judgment given by us without Oath shall be of less Force than that of the Earls Marshal, who do this only by the King's Edict.

SIR Edward Cooke saith, that, when a Judgment is ready to be given which concerns the King, as all Criminal Matters do, there are Two Acts of Parliament that Judgment shall not be stayed, though a Command come from the King under the Great or Privy Seal: But it is otherwise, when the Judgment is to be given for Felony or Treason; for therein the King is an immediate Party, and he may desist to have it prosecuted, as well as an ordinary Party may

let fall his own Suit.

MR. Sollicitor faith, that the Message that was fent this Morning from his Majesty first drew this Business into Question; and he now leaveth it to the Consideration of this House, whether we will enter this Judgment, the King demanding Precedents of us, whereby he might see our Power to give such a Judgment. He feareth, if we do enter this Judgment, it will be displeasing to the King.

SIR Edward Sackville saith, that the Journals in the Lords' House of Parliament are recorded every Day in Rolls of Parchment, and therefore he would

have ours fo done too.

It is ordered, that the Journals of this House shall be reviewed, and recorded on Rolls of Parchment.

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It was thought fit on this long Debate of Ed. Floid's Business, that a Committee should proceed to draw up the Reasons and Ground of our (163) Judgment given against Floid, and that the Judgment itself should be set down to be entered in due Form; which being accordingly done by a Committee, it was accordingly, by Order on the Question, entered into the Journal of this House.

"An Act to admit the Subject to plead the ge-"neral Issue on an Information of Intrusion; and to "retain Possession till the Cause be heard." [Passed.

By this, where the King hath been out of Possession above Twenty Years before the Information of Intrusion brought, the Subject is admitted to plead the general Issue, and to retain Possession till the Cause be heard.

"An Act concerning Days of Hearing and Orders in the Court of Chancery, and other Courts

" of Equity at Westminster."

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By this all the Hearings shall be within Five Days after the Term, and that they shall be either within the Court of Chancery, the Rolls, or some such public Place:—That no Order shall be made on a private Petition or Motion, and that all Decrees and Orders obtained otherwise, and in other Places, shall be void, and nothing beneficial to the Party in whose Behalf it was made.

AT Mr. Lister's Motion it was ordered, that a Committee appointed should draw a Bill against foreign Outlawries; that no Man shall be outlawed but in the proper County where he liveth.

#### Friday, May 4. Afternoon.

A Message from the Lords, fignifying, that they were ready to give Judgment against Sir Francis Michell, if we please to come and demand Judgment. Which we did demand; and then Sir James Ley, being Speaker of the upper House, did pro-

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nounce the same in this Manner.

That the Lords, having taken into their Confideration the Crimes and Abuses of Sir Francis Michell, do adjudge and award you the said Sir Francis Michell (who was present at the Bar of the upper House) to be degraded from the Order of Knighthood, and that to be done by Order from their Lordships to the Earls Marshal;—to be imprisoned in the Gaol of Finsbury, which he had prepared for others, and there to remain in a safe Chamber during the King's Pleasure, the Tower being too good a Prison for so unworthy a Person;—to be put out of all Commissions, and to be disabled ever to be of any Commission hereaster for the King or Commonwealth;—to pay a Thousand Pounds Fine to his Majesty.

#### Saturday, May 5.

" AN Act for the more speedy levying of Twelve
" pence forseited by any married Woman for not

" coming to the Church on every Sunday to hear Ser-

" vice, according to the Statute of 3 Jac."

By this it is enacted, that such Twelvepence shall be levied by Warrant from the next Justice of Peace, on the Testimony of one Witness on Oath, or on Confession of the Party, and to be levied by Distress on the Husband's Goods.

L. .. "An Act concerning Petty Larceny, and the "Manner of Punishment of Offenders therein."

By this any Offender or Accessary, being convicted by one Witness before the two next Justices of Peace (who have by this Act Power in such Cases to minister an Oath) shall be punished with whipping, stocking, or the like,

"Jac. entitled, An Act against the burning of "Heath,

- " Heath, Ling, or Moor in divers Counties in the
- " North, viz. in the Counties of York, Leicester,
- " Lancaster, Derby, Nottingham, Northumberland,
- " Cumberland, and other Counties adjoining, at un-
- " feafonable Times."

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- " An Act for the repairing and maintaining the L. 2.
- " Haven of Colchester in the County of Essex, and
- " for paving of the faid Town."

SIR Henry Poole saith, that the great Impositions laid on all Merchandise that shall come to that Town will discourage all Men to bring Merchandise thither; and this is for the Allowance of Impositions, which we have denied to be good, though they have been laid by the King.

MR. Alford. Divers Towns, as Ilchester, Hol(164)borne, and other Towns, have had, by Act of Parliament, Twenty Pence a Foot allowed for paving
of them; and he sheweth under the Hand of divers
Merchants an Agreement, that they will pay all the
said Taxes; and therefore he desireth that it may be
committed.

[This Bill is committed.

- "An Act for the repairing of a decayed Bridge L. 2.
  "over the River of Avon, near Tewksbury, in the
  "County of Waresbury"
- " County of Worcester."
- "An Act for better securing the Liberty of the L.2. "Subjects."

SIR Edward Cooke saith, that the Charters granted to any Town to make Constitutions which are for the Good of a Corporation, and not contrary to the Law of the Kingdom [are] without a Clause of Power to imprison on Default of Obedience to such Constitutions as concern such a Charter; for this Power of imprisoning is against the Twenty-ninth Chapter of Magna Charta, and absolutely void: He saith surther, that a Man committed by the Body of the Privy Council may not be bailed, as hath been re-

folved by all the Judges of the Kingdom:-That it is inconvenient and may be dangerous to have in a Business of State the Reason expressed in the Mit-

SIR John Strangewayes his Servant being arrested on a Writ of Ejectione firme,

IT was ordered, that the Speaker fend forth a Warrant to the other Party, to flay all Proceedings.

A Message from the Lords, fignifying, That they have had, during this Parliament, much Contentment in the Correspondency between us and them; and that they, having heard of the Centure given by this House against Floid, do desire a Conference with this House, for the accommodating of that Business in such Sort as may be without Prejudice to the Privileges of either House; the Number to be the whole House, the Time Three of the Clock in the Afternoon, Place the Painted Chamber; and Power to be given to the Committees of both Houses to confer and debate freely, that we may the better understand each other's Reasons.

SIR Ed. Cecil faith, that it is a Rule amongst great Personages and Princes, that, if they would give a respectful Answer, they send it not but by

their own Ambassador or Servant.

Answer is given to the Message from the Lords, that this House receiveth their Lordships' Message with a great Deal of Comfort and Contentment, and that we will (fitting the House) send their Lordships further Answer to the same, by some Members of our own House.

SIR Samuel Sandes would not have Diversity of Opinion thought to proceed from Diversity of Affection; for perhaps he must differ in Opinion from others in this House more worthy. He saith, if we fend to the Lords that we will first hear them and then answer, we then deny a Conference; and he would not have us to make that four, which we perceive is fweet in them, that is, their Conceit of us. He

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would have us to reason with them from the Grounds of the Reason of the Law: It is human to err; and we see the highest Courts of the Kingdom have their Writs of Error; but to persevere in that Error is belluine, or unworthy a Man.

Mr. Alford saith, we have given a Judgment judicially, and caused it to be entered: he would not have us to refuse a Conference on it; but, if they break out into Matter which may tend further, that then we may desire of their Lordships further Time

to answer it.

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It is ordered, that the Master of the Wards shall carry our Answer to the Message from the Lords, and that the Essect of it shall be an Expression of our Joy and Contentment in the good Correspondency that hath been between both Houses during all the Time of this Parliament; and that, for our Parts, we will endeavour the Continuance of the same as far as in us lieth; and that we will meet for the Conference, as is desired.

SIR George Moore saith, that there are Three Things in this Business to be considered of and debated: I. That we are a Court of Record; and that, he thinketh, will not be opposed: 2. How we took Cognisance of this Business: 3. The Reason which we had to judge and sentence Floid without Oath; and it is no more than we do to Sheriss for making of salse Returns, and other Abuses against this House.

SIR Samuel Sandes saith, that the Question whereon we are to confer with the Lords, is a particular,
and not a general Question of all our Jurisdiction;
and therefore he would not have us at the Conference
(165) debate of any thing that tends not to this particular
Question. And one Question will be, whether this
Court, having the Effect of a Court of Record, be
not a Court of Record? And the other Point questionable will be, that we have sentenced without
Oath; but it was never seen that a Judgment was
overthrown for Want of Oath.

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DR. Googe faith, that we may proceed by Oath; for this Court hath Jurisdiction, and the giving of an Oath is a substantial Part incident to a Jurisdiction:—That to have to give an Oath is incident to all Jurisdiction, for there is no Place of Judicature but hath this Power:—That all Judgment that may be reversed hath one of these Defects, Nullity or Injustice: nay, we have proceeded on Oath, for the Witnesses did protest and swear on their Salvations, that what they witneffed and faid was true; and there wanted nothing but the Form of laying of their Hand on the Book, to make such Oath to be without Question, which Ceremony is not now used in all Places, when Oath is given; and anciently Men fwore by laying their Hand under the Thigh, as did Abraham's Servant, others by holding up the Finger.

SIR Ed. Sandys saith, that the End of this Conference with the Lords is for the accommodating of this Business: There is a Precedent in Edward the Third's Time, that the Lords did censure without an Oath: the Question will be chiefly, whether this Business of Floid be within our Cognisance or no. This Business came to us accidentally by the Examination of the Business against the Warden of the Fleet; and when we heard of these foul Speeches, though we wanted Custom to give an Oath, yet Reason (which is not flying and disputable Reason, which the King calls Opinion) which is the Ground of the Law, told us, that we might censure him. He would have us to declare the Truth hereof to the Lords

MR. Hackwell faith, that this House is a Court of Record; the King himself did 1. of his Reign acknowledge, that this House is a Court and Judge of Record in Sir Francis Goodwin's Case. 6°. Hen. 8. Cap. 16. it is there, that the Clerk of this House his Book is a Record. We have Power to give an Oath; for it appears in the Journals of this House,

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that one coming into this House, who was no Member hereof, had here in the House the Oath of Supremacy given him, and also of Secrecy. If a Man deny that here at the Bar, which after he confesseth on Oath to the Lords, we may here censure him and send him to the Tower:—That the Judgment given by the Lords and King, 15 Ed. 2. against the two Spencers, was reversed in Ed. 3. Time, because it was sans nul accusement; and in the reversing of the Judgment the Commons had a Voice.

MR. Alford moveth, that all the Parts of this Bufiness may be distributed, as the Points of Law and Precedents, to some of the Lawyers of this House; the Points of Reason to be the Part of Sir Edwin Sandys, Sir Samuel Sandes and Sir Dudley Digs; and would have us hold to that Point of their Message, which was, that nothing should be meddled with that is prejudicial to the Privileges of this House.

SIR Dudley Digs would have us stand with the Lords on the accommodating of this Business, and would have us shew Precedents, that this is a Court of Record, and hath Power of Judicature; and that then the Reasons should be shewn why we did proceed herein.

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THE Master of the Wards saith, that, since we have caused the Judgment to be entered, he would not have us stand on it, or say, that we intended not to make it a Precedent; for he would have our Word and Actions agree.

SIR Samuel Sandes would have them to affign us our Error, and that we should not go to shew our Reasons till their Lordships had first shewn us their Exceptions, and then we should give Answer to them.

## Saturday, May 5. Afternoon.

At a Conference with the Lords.

THE Lord Archbishop of Canterbury saith, that their Lordships' Purpose is not to give any Pardon

or Defence to Floid or his Offence, but only to confer of the Manner of Floid's Punishment; for their Lordships say not but that he hath deserved as great a Punishment as we have censured him, and perhaps more:—That he is happy who shall bring any Thing that may conduce to the seeking forth of the Truth of this Offence: that their Lordships seek not, nor

purpose to question any Power hereby.

SIR Samuel Sandes saith, that our House doth with all Respect and Thankfulness acknowledge their Lordships' Favour, in the good Correspondency that hath been during this Parliament between the two Houses:—That we are free from any Intent to make any Irruption into their Lordships Court, but, having fuch an Occasion offered, we thought we might, without Offence or Prejudice, extend our Jurisdiction; which yet we have not done farther than, we conceive, Reason did lead us :- That this Complaint was first brought to us, as a Fault against the Warden of the Fleet, (who stands charged with many foul Crimes before us) for that he (having heard of these scandalous Speeches spoken by Floid his Prifoner) concealed the fame :- That when we under-(166) flood hereof, out of our Zeal to his Majesty and his Children, we presently sent for this Floid, who spake those vile and malicious Words, and on searching of him we found in his Pocket a fcandalous Libel against \* a noble Member of this House; but we thought it not feemly to join that Offence with fo great a one against so noble a Lady and her Husband, and fo proceeded to an unanimous Judgment against him:-That we hope, as we are careful not to touch the Hem or Skirts of their Lordships Privileges, fo their Lordships will not press too hard on ours, we having herein done nothing, but what fome Lawyers of our House (he hopeth) will shew, that by Law we may and are warranted to do.

\* Sir Ed. Cooke.

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THE Lord Treasurer saith, that the Lords do conceive, that all those Offences, which concern not the lower House or some Member of it, do properly belong to be judged by the upper House, as by long Practice and many Precedents is shewn and manifest.

SIR Edward Cooke faith, that we hope their Lordships will deal with us, as Abraham did with Lot, who, having chosen the left Hand, gave him the right, and bad him go whither he lift. He faith, that the House of Commons hath, in many Things, a free Liberty of Judicature: he defireth their Lordships to remember, that they were Gentlemen before they were Lords; and therefore we hope, their Lordships will make a favourable Construction, and not press too hard on us, if we have (as we believe, and hope we have not) gone beyond Precedents. He defireth their Lordships will be pleased to confider, that our House is a Court of Record; for that Court, which hath Power to imprison and fet Fines, is a Court of Record; and that our House hath Power to fine and imprison, he desireth their Lordships to remember, that in 10 Ed. III. an Archbishop for causing a Member of our House to be ferved with a Subpæna was grievously fined; that by the Statute of 5 Hen. IV. all menial and other Servants of a Member of our House are free from all Arrest. It is manifest and known to all, that whosoever hath a Court of Record may incidentally examine on Oath. In 3°. Fac. the Warden of the Fleet was examined at the Bar in the House of Commons on Oath: That these Words were spoken against the Members of our House; for filia est pars patris, and the King is ever intended to be resident in our House. .

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THE Lord Treasurer saith, that the Lords expected, that we would have shewn Precedents that this Business was censurable by our House:—That their Lordships do acknowledge that what concern-

eth the House of Commons, any Member, or the Servant of any Member of that House, doth lie with..

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SIR Ed. Sandys saith, that we did not intend to extend our Power beyond the Privileges of our House:—That in this Particular (whereof we hope there will here never be the like again) we thought we might refer it to the Reason of our other Judgments, for we may judge of Things done against this House, or a Member thereof; and we take this to be against the King, who is as resident with us as any Member: And we thought Delay would have extenuated our Judgment and his Offence; and, though we have not used to judge in such a Case, yet desiciente consuetudine referendum ad rationem generalem.

THE Lord Treasurer saith, that the Lords do free us from any Intent in us hereby to invade their Lordships' Privileges:—That they will be ready to do us Right, so we take a right Way without Prejudice to their Privileges; but, now we have shewed our Zeal, they will shew their's.

# Monday, May 7.

THE Bill concerning the Lights of Winterton Nefs, and Dungeon Nefs was read the fecond Time on Saturday last, and, by Reason of some intervenient Businesses, it was put off for the Debatement and Commitment of it till this Day; when on Motion the House proceeded to the debating of it, and some spake to it again, that had spoken to it on Saturday last, and after long Debate it was committed.

"AN Act for the avoiding of Exactions by Cuf"tomers, Comptrollers, Searchers, &c. and other
"Officers employed about the Custom House."

[Vid. plus, fol. 80.

L. 2. " An Act for the improving and better ordering " of

of Commons, Inter-commons, Moors, Marshes,

" Heaths, and Waste Grounds." Rejetted. By this, on a Certificate or Petition subscribed by the Lords and Tenants of any Manor, it shall be lawful for the Lord Chancellor or Lord Keeper to grant a Commission to fix or more Justices of Peace next adjoining, whereof Three to be of the Quorum, to let and fet the faid Commons, Wastes, Moors, &c. and that the faid Commissioners shall certify their Order herein, under Six of their Hands and Seals at the leaft, whereof. Three of them to be of the Quorum, unto the faid Lord Chancellor or Lord Keeper, there to remain as a Record; a Provision for (167) a charitable Confideration of the poor Cottagers who have no Right of Common but by Sufferance. The Commissioners are to enquire by the Oaths of

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Twelve or more, who have Common in the faid Waste Grounds.

SIR Robert Payne saith, that, though this Bill hath a specious Shew, yet it is likely to prove very obnoxious to the Commonwealth if it should pass; for it will bring an Innovation, which is dangerous in a Commonwealth, as Experience hath often shewn.

SIR Edward Cooke faith, that by the Common Law, if a Lord and Tenants bring a Writ de menfuratione, he may have a Commission to enclose.

IT is an ancient Order of the House, that, when a Bill hath been twice read, it cannot be put to the Question, Whether it shall be rejected or no? albeit the House cry, Away with it; but the first Question must be, Whether such Bill shall be committed or no? and then the next Question to be put, Whether it shall be engrossed or no? If the House anfwer No to both these Questions, then the Bill fleepeth, and may be no more meddled with during that Seffions: but, if any fuch like Question be put at the first reading of a Bill, it is to be put, whether the Bill shall be retained or no?

VOL. II. CON- Morrison and Mr. Cle. Cooke, being both Members

of this House.

SIR Samuel Sandes saith, that we have already this Sessions omitted to end one Quarrel, wherein Mr. Leech, a Member of this House, had received a Blow of one Mr. Thomas Markham, who is not of this House; and, because we ended it not, the Marshal's Court hath taken it out of our Hands and ended it, which he taketh to be a Kind of Infringement of our Privileges; and therefore desireth, that we tomorrow at the farthest take the Quarrel and Difference between Sir Charles Morrison and Mr. Cooke into the Examination of this House, and end it; and in the mean Time that we give some Order, that these Gentlemen meet not.

It is hereon ordered, that Sir Bap. Hicks, who is Father in Law to Sir Charles Morrison, and has undertaken for him; and Mr. Whith, another Member of this House, who hath undertaken for Mr. Cooke, shall go presently and lay the Command of the House on each of them, that neither of them go abroad till tomorrow Morning at Eight of the Clock, and that then they come to this House, who will take Consideration of their Differences, and set

fome End to it.

"An Act to enable the Merchants of the Staple to transport Woollen Cloth into Holland, Zealand, and other Parts beyond Sea, within the ancient Liberties of the Dukes of Burgundy." [Vid. pl. fol. 136.

SIR Thomas Rowe saith, that the White Cloth of this Kingdom is the Jewel of this Kingdom, and that it was never so well vented and sold, as since the Merchant Adventurers have only dealt in it:—That he thinketh it sit that Liberty be given for the Manufactures of this Kingdom, that all Men may trade and transport it.

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Six Robert Phillips faith, that this Jewel (viz. White Cloth) is locked up in fuch a Casket or Clofet, as it will never be of any Use to this Commonwealth:—That on View of the Merchant Adventurers' Patent, he findeth in it fuch Things as may be worthy the Consideration of this House to regulate, and defireth that this Bill may be committed.

SIR Edward Cecil faith, that the Merchant Adventurers are a good Company, but the Commonwealth finds great Fault with them, and furely not without Cause; for the Gentleman and the Wool-grower sell their Wool cheap, and fo doth the Clothier his Cloth, and yet, if a Gentleman come to buy Cloth out of a Draper's Shop, he shall pay very dear for it; and it is certain the Fault of this must lie in those who deal between the Clothier and the Shopkeeper, which is the Merchant Adventurer: and therefore he wisheth, that this Company may be regulated, not put down.

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SIR Edward Cooke faith, that there is an Act that, when White Cloth is at Four Pounds and under, and coloured Cloth at Three Pounds and under, they may be transported by any Merchants; and he would have those Prices altered, as those who are experienced in fuch Merchandises shall think best; for he thinketh it will be best for the Kingdom to have a Liberty of Trade, so it be well governed.

THIS Bill concerning the Merchants of the Staple is committed to the fame Committee, that the Bill of free Trade is.

A Message from the Lords, whereby they defire a Reconference concerning the Business of Floid; at which Reconference they defire it may be free of both Sides to speak and debate-Tomorrow at Three of the Clock in the Painted Chamber.

SIR Francis Vane faith, that, though it be a free

Conference, yet it bindeth not any thing.

SIR Edward Cooke would have us yield to a free Reconference, but would not have us at this Reconference to admit of any to confer with us, who

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Answer, that we will attend at the Time and Place,

and as is defired.

SIR Edwin Sandys would not have us at the Recon-(168) ference stir any new Question: he would have us defire the Lords, that there might be a Sub-committee appointed by both Houses to confer of Floid's Business the more freely, and to accommodate what is done without the Breach of the Privileges of either House; and so as this may not be a Precedent either for or against the Privileges of either House.

#### Monday, May 7.

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COMMITTEE. Lepton's Patent was granted 4 Jac. and reciteth another Patent of 2 Jac. touching the Secretary's Place of York, and the drawing of all the Bills and Declarations in all-the Courts of Justice in that City.

MR. Holt, of Council against the Patent, saith, that the Office of Secretary in the County of York was granted 4 Ed. 6. And that before the Attorneys in the Courts in Yorkshire had that which be-

longeth to the Secretary.

SIR Edward Cooke saith, that by the Statute of 5 Eliz. no Office concerning the Administration of Justice may be sold or bought; and, if it be, it is

void in Law.

Two Certificates, the one from the Lord Mayor of the City of York, and the rest of the Aldermen and principal Gentlemen of that City; the other from divers Lords, Knights, and other Gentlemen of the best Fashion of the County of York: By both which Certificates it is certified and complained, that Mr. Lepton, the Patentee, and Secretary of the Courts at York, hath the sole drawing of all their Bills and Declarations, whereby he must see all their Evidences and the State of their whole Cause, not being of their

their Council; which doth and may tend to the Prejudice of their Cause, and to the Exaction of a great and unreasonable Fee.

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SIR Thomas Wentworth saith, that, albeit the drawing of Bills be in the Secretary's Patent, yet it was never known that the Secretary had the drawing of the Bills, but only the copying of them, when they were put into the Court; and the Attorneys there did ever draw them, and put them into the Court.

SIR Thomas Posthumus Hobby saith, that the Eight Pence which is given to Mr. Lepton, is by a Composition with the Attorneys of those Courts in the Lord Sheffield's Time, on the Complaint of the Attorneys there:—That he knoweth this Exaction of Eight Pence by Mr. Lepton, and other his Exactions by Virtue of his Patent are Grievances to the whole County of York.

MR. Mallet saith, that it is apparent, that the drawing of the Bills in the Courts of York were by Order anciently belonging to the Attorneys of those Courts; and now, by Occasion of the Patent, there is a Fee of Eight Pence, and Twopence or the like exacted on the Composition between Lepton and the Attorneys; and therefore he thinketh it is a Grievance in the Execution.

MR. Brooke faith, that a Patent of an Office, granted to any one that is not able to discharge it, is void in the very Creation; and he taketh Mr. Lepton to be a Man unable to draw a Bill, being no Counsellor at Law; therefore he holdeth his Patent for his drawing of Bills void.

MR. Hackwell saith, that, where a Court is newly and lawfully erected, that Court hath Power to erect new Fees, as the Court of York did by its Power and Order establish the Fees and Office of drawing Bills on the Attorneys there, and for that Particular he conceiveth the Patent is void; but, where the Court is ancient, there it hath not a Power to set a new

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Fee. He conceiveth this Patent to be a Grievance in the Creation.

SIR Edward Cook faith, that the Courts at York were erected on the Rebellions in the North; that the Lord Prefidents of York had first Commissions in 4 Eliz. to hear and determine Bufinesses according to Instructions annexed, which Commissions and Instructions are both enrolled.

IT is the Opinion of this Committee, that the Patent granted to Lepton, as concerning the drawing of Bills and Letters, is void, by Reason of the Exaction of the Fees of Eight Pence and Twopence, and by Reason of the Disability of him who hath that Patent; and for that it is against the Order of the Court of York, who granted by Order the drawing of Bills to the Attorneys there.

THE Petition of the Lady Mansell, defiring the House to consider, that by Reason of her Husband's Absence she cannot make so full an Answer to the Objections against the Patent of Glasses, as her Hus-

band would do.

SIR Edwin Sandys reporteth from a Sub-committee, that that Sub-committee did not conceive, that the Invention of making of Glasses with Sea Coal was a new Invention; for Glass was first so made in France Twenty or Thirty Years before: - That, if it had been a new Invention to make Glasses with Sea Coal, whereas they were before made with Wood, it were but adding of a Button to a new Doublet,

SIR Fer. Horsey saith, that the Patent of Glasses was condemned as a Grievance in the last Convention

of Parliament.

SIR Thomas Ireland, of Council against the Patent, faith, that the Patent of Glasses doth prohibit both Importation and Exportation, and giveth the fole making and felling of Glasses to the Patentees: - That this Patent was granted Jan. 12 Jac. and maketh Recital of a Patent made Mar. 11 Jac. the Ground of the granting whereof (169)

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was, that it was a new Invention; and that, notwithflanding this Patent of 11 Jac. was held a Grievance by the Convention of 12 Jac. yet the Patentees

got this other Patent.

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SERJEANT Jones, of Council in Defence of the Patent, confesseth, that this was not a new Invention of making of Glass, but it was a new Invention of making of Glass with Sea and Pit Coal, which was before made with Wood altogether:—That there were some others who attempted to make it with Coal, but did never bring it to Perfection; and that Dr. Percival did first make a Furnace for to make it with Coal, and was the first that brought it to Perfection.

Lisco examined saith, that Ambrose and Claud Henly did make good Window Glass with Sea Coal, at Audley, in Staffordsbire; and that one Paul Tisock did make Glass with Coal Two Years before the first Patent was granted, on the Land of the Lord Dudley, in Staffordsbire.

THE Lord Dudley certifieth, that Paul Tisock did make Glass on his Land in Staffordsbire, Two Years before the Patent was granted, viz. in the Year 1609.

ONE Bangor examined faith the fame that Lifeo did, and both of them fay, that that Glass which they then made was Window Glass; for they could not be permitted to make Venice Glass, because Sir Jer. Boas had a Patent for the sole making of the same.

Lisco again examined faith, that he was sent for by the Patentees, and that he was the first that taught them to work in the making of Glasses with Sea Coal.

A LETTER is read, which was written by Hobson, an Officer of the Glasses here at London, to one Lord, a Factor for Glass under the Patentees at Newcastle, to send the best Glass to London, and he would please the Country well enough with the worst Glass.

Jo. Worral examined faith, that at the Complaint of the Lady Mansell he was imprisoned by the now Lord Treasurer, being then Chief Justice, during

one

one Night in the King's Bench, only for Suspicion of bringing in of Glass; and that the next Day he was released on Sureties that he should bring in no Glass.

Isaac Bangor examined saith, that the Lords Commissioners did imprison him about a Fortnight after Christmas, for the Space of Nine Weeks, for the Business of Glass, and for his working in that Trade,

## Tuesday, May 8.

- "An Act for the strengthening of a Lease made by Sir Robert Basset, Knight, to his Son Arthur Basset, which Lease hath been weakened by a Decree in the Chancery."
- "An Act for the reversing of a Decree in the Chancery against the Master and Fellows of Mag"dalen College, Cambridge, and one Mr. Smith their
  "Lessee, at the Suit of the Earl of Oxford, for a 
  "House and Garden called the Great Common Gar, 
  den without Aldgate." This House and Garden was by Queen Elizabeth, in 11 of her Reign, sold to Spinola, a Merchant here in England; who was Father to Spinola, the now famous Captain.
- "AN Act for reviving of a Statute of 39 Eliz.

  "entitled, An Act for Restraint of the excessive

  "making of Malt, and for the restraining of Brew"ers from malting and selling of Malt."

SIR Edwin Sandys faith, that there are two Clauses inserted without the Privity of the Committee, and no Man knows how, into the Bill of Monopolies, which do clean overthrow that Bill: The one of the Clauses is, that that Bill shall continue but till the first Session of the next Parliament; the other is a Proviso, that, if any one by Petition to the King shall obtain a Charter of a Monopoly, with a Non obstante of this Act, that then this Act to be void.

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It is ordered, that a Committee shall presently, before the Bill be read for the passing, go into the Committee Chamber, and examine how those Clauses were inserted, and take it out of the Bill, albeit the Bill be engrossed; for, by an ancient Order of the House, a Bill may not be read for the passing, if any Thing be inserted, that hath not been read Three Times in the House.

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A COMPLAINT of the Clothiers against the Merchant Adventurers, shewing, that the said Merchants have made an Order amongst themselves, that none of that Company shall buy above a certain Quantity of Cloths:—That, by Reason of this Restraint, and the like, made by the said Merchants, the Kingdom loseth Five Hundred Thousand Pounds per Annum in the Prices of their Wool.

ANOTHER great Complaint by the Clothiers of Gloucestersbire, shewing, that the Merchant Adventurers will not now give any Rate for their Cloths; so as the last Week they were glad to sell their Cloths 70) Ten Pounds in a Pack (or Piece) better cheap than they were wont to sell them, and to mortgage their Cloths at the Merchants' Houses for Money.

SIR Edwin Sandys reporteth, concerning the abusive Insertions in the Bill of Monopolies, that the Committee doth condemn the two Clauses inserted, as put into the Bill surreptitiously and maliciously, and of Purpose to overthrow that Bill; and that they think it fit, that the Two Clauses should be cut out of the said Bill, and the rest new engrossed, before it be read for the passing.

It is accordingly ordered by the House, that the Two Clauses inserted shall be cut out, and the Bill new written, before it be put to the Question for the passing.

Concerning the Difference and Quarrel between Sir Charles Morrison and Mr. Cle. Cooke.

MR. Noye saith, that in 10 Ed. 2. there was a Quarrel and Difference between Hugh Spencer and the

the then Lord Ross, at a Parliament held at Lincoln; and then the Attorney did charge the said Hugh Spencer that he did strike the Lord Ross; and likewise charged the Lord Ross that he drew his Knife on Hugh Spencer; and so both were charged for making of an Affray each on the other, and then they were to make their several Excuses: and he would have us in this Business proceed accordingly.

THE Speaker went out of the Chair, and Mr. Noye is placed in the Chair, that the Business may

receive the better Debate.

MR. Chancellor of the Dutchy doth inform the House, that Sir Charles Morrison was struck a Blow by Mr. Clem. Cooke, on the Parliament Stairs; and therefore he desireth, that Mr. Cle. Cooke may be called in to answer the Indignity offered thereby to the House, and Sir Charles Morrison, a Member thereof.

MR. Noye reporteth (the Speaker going again into the Chair) that he conceiveth the Opinion of the Committee is, that Mr. Cooke should come to the Bar first, for that it is informed, that he struck Sir Charles Morrison a Blow going down the Stairs; and that Information is likewise given, that Sir Charles Morrison did draw a Sword on the said Mr. Cooke.

SIR Dan. Norton saith, that Sir Charles Morrison having received the Blow from Mr. Cooke went through the Hall, got a Sword, and then meeting Mr. Cooke, Mr. Cooke drew his Sword first on Sir

Charles Morrison,

IT is ordered by Question, that Mr. Cle. Cooke shall come first into the House to be first charged.

THE Speaker chargeth Mr. Cooke, that he affaulted and struck Sir Charles Morrison on the Parliament Stairs, to the Terror of the Assembly, being in the Time of Parliament, and they both being Parliament Men.

MR. Cle. Cooke answereth, that he gave Sir Charles Morrison a Blow on the Neck with his Hand, and a Push hor for had

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this Cor inti Pov Push withal, for some abusive Words given him by Sir Charles Morrison, and that, he afterwards going homewards, Sir Charles Morrison met him in West-minster Hall, with a Sword drawn. He saith, he is forry that he hath offended the House; and that he had no Malice to Sir Charles Morrison before those Words were spoken by him.

THE Speaker chargeth Sir Charles Morrison (who was called in before to take his Place as a Member of the House, he being the Party wronged) that he did affault Mr. Cooke with a Sword, either drawn or

in the Scabbard.

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SIR Charles Morrison answereth, that he did give Mr. Cooke no Offence by Words here in the House; but saith, that some Words passed between him and Mr. Cooke, but he thought he had given none that might give Mr. Cooke any Offence. He saith, that, going down the Parliament Stairs, Cooke gave him a Blow on the Neck and a Push; that he was then parted from Cooke, and after, going through Westminster Hall, he got his Sword from his Man, and purposed to have struck Cooke with his Sword in the Scabbard, but not at that Time to have drawn his Sword.

THE further Debate of this Business is deferred till tomorrow in the Morning.

Concerning the Conference we are to have this

Afternoon, touching Floid's Business.

SIR Dudley Digs saith, that our Wisdom lieth not in the Breast or Head of any one Member of this House, but in our Number; and therefore he defireth, that none may go to confer with the Lords of his own Head, but that every one may be here limited what he shall say.

SIR Robert Phillips would have for a Ground of this Conference our Desire to continue the good Correspondency with the Lords:—That it should be intimated to the Lords, that the Committee hath Power to make a Sub-committee to debate further

of the Reason of our Proceedings in that Business. and to accommodate that Business so as it may be ended without Prejudice to the Privileges of either House.

SIR Edwin Sandys faith, Precedent is an Example of a precedent Matter of the same Nature; but new (171) Matters and Causes cannot be judged by Precedent, but are to be judged by the Ground of Precedents, which is Reason. He would have no Fraction between us and the Lords, neither is there any Cause, for what we claim they give us: but the Question is, whether that Cause of Floid were within the Cognisance of this House. He would have us to desire their Lordships, that a Sub-Committee may draw an Accommodation of this Business, so as our Judgment, being just, may not be impeached; for their Lordships do not seem to tax the Justice of the Judgment, but only fay it was not in the Cognisance of this House: he would have the Sub-Committee conclude nothing without first acquainting this House therewith.

SIR Dudley Digs moveth, that there may be a Sub-Committee appointed to debate this Business with the Lords, and that they should tell their Lordships, that it is no Argument to conclude Potentiam ab actu; for I may have Power to imprison, though I do not, nor have done it: and would have their Lordships also put in Mind, how many ancient Precedents which principally concern the Privileges of our House are embezzled, and how many of them were burnt by the late Earl of Northampton.

THE Master of the Wards would have us this Day be only Hearers, till we had heard their Lord-

Thips Answer to what we said the other Day.

MR. Recorder faith, those are the best Friends to a Bufiness, that in Consultation of it object most freely against it: he saith, that Sir Simon Berisford 4. Ed. III, was by the Lords condemned, for being wi We th de ca be Ju

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mu tha an . accessary to the Death of Ed. II. with as great Celerity as our Judgment was given against Floid, without asking of Sir Simon Berisford, whether he were guilty or no; and, notwithstanding he denied the Fact to his Death, yet their Lordships did condemn him to be hanged, drawn and quartered, because it was for the Murder of a King: and this may be as an Excuse for our Proceeding so swiftly to Judgment of a Man, that so maliciously hath slandered and vilished our King's only Daughter.

It is agreed, that in the Conference those who are to speak shall say nothing in this Particular that may touch the general Power of this House:—That the Committee sirst hear, before they say any Thing; and that they confer, as Occasion shall be offered: and Sir Edwin Sandys shall report the whole Proceedings herein to the House tomorrow, and that then a Sub-Committee be appointed to accommodate it.

#### Tuesday, May 8.

Conference with the Lords, touching the Judg-

ment given on Floid.

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The Archbishop of Canterbury saith, that the Lords were the first that did suffer in this Business, and the Lords were the first that did send in it:

—That the Lords do strive to exceed us in Nobleness, and seek not Superiority but Verity:—That they seek not to abridge our Liberties, nor would have us make Irruption on their Privileges:—That their Lordships ever had such Causes judged by them, and do pray, that we will leave their Lordships where we found them.

THE Master of the Wards saith, that we do so much embrace the good Correspondency and Amity that is between the Houses, that we came rather for

an Accommodation than a Disputation.

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THE Archbishop of Canterbury saith, that their Lordships will kindly embrace an Accommodation which is worthily propounded, and like ourselves:—
That their Lordships desire (since we crave an Accommodation in general) that we would propound the Manner, how we would that this Difference should be accommodated.

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THE Master of the Wards saith, that, as their Lordships first sent to us touching the accommodating of this Business, so we desire their Lordships would first propound, how they would have it accommodated.

THE Archbishop of Canterbury saith, that insomuch as their Lordships have had an Irruption on their Liberties by a Judgment given by us, they would that we should meet them half way at the least for the accommodating of it.

THE Master of the Wards saith, that our House hath had today some Speeches of a Sub-committee; and, if it please their Lordships, we will go now again to the House to confer of a Sub-committee, touching the accommodating of this Business.

HEREON it was agreed of all Sides, that we should acquaint our House with this; and, in the mean Time, their Lordships went into their House to consider of a Sub-committee, and the Power and Number of the Sub-committee.

AT our House, the Speaker sitting, after the Conference with the Lords.

MR. Glanvile faith, that he would have this Bufiness so accommodated, as by this Precedent we prejudice not ourselves; and that this should not hereafter bind, nor be alleged against them or us: and he wisheth the Business be so accommodated, as the Delinquent's Punishment may not be extenuated.

A Message is fent to their Lordships, to desire that there may be a Sub-committee of both Houses appointed to accommodate this Business of Floid;

wherein we leave the Nomination both of the Time

and Number to their Lordships.

DR. Googe saith, that it is a Maxim, that Par in parem non babet Imperium, so as the Lords may not question us, nor are we to account to them, for any Thing which themselves cannot do. The sentencing of 72) Floid lieth not in their Power without us; and therefore by Right we are not to account to their Lordships for the Judgment we have given herein.

A COMMITTEE of Sixteen of the Upper House is appointed by the Lords, and twice as many by us, for the accommodating of this Business; and they

are to meet on Friday next.

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# Wednesday, May 9.

" An Act declaring the Use of a Fine levied by L. i.
" Mr. Robert Huggin, being within Age, and a Ward
" to the King."

"An Act for the Maintenance and Increase of L. 1.
"Navigation, and to prevent the Exportation of "Coin."

By this no Stranger shall bring into this Kingdom, other than in English Ships, any foreign Commodities, but such as are grown or made in that Kingdom whence he cometh: That all Manner of Corn imported into this Kingdom, for which Custom is newly paid, shall be exported without Custom:—That no Shopkeeper, Retailer, or other than a Merchant shall exercise the Trade of Merchandise beyond the Sea.

"AN Act for the Reformation of excessive Fees L. 1.

taken by Persons in Places of Judicature, Clerks,

Registrars, Lawyers."

[Vid. plus, fol. 81.

By this, no Man exercising any Office of Judicature shall take any Fee contrary to the Statute [..] Ed. 3. cap. 1. that no Serjeant at Law shall take, for arguing a Cause, above Three Pounds, nor for a Motion

Motion above Forty Shillings; nor no Reader of Bencher for a Hearing above Forty Shillings, nor for a Motion above Twenty Shillings; nor any other Barrister under the Degree of a Reader for a Hearing above Twenty Shillings, nor for a Motion above Ten Shillings:—That all Lawyers shall be heard one after the other, and none make two Motions till all the rest at the Bar are heard, except they are of the King's or Prince's Council: And, if a Lawyer take greater Fees, that then he shall be disabled for ever to practise any more.

L. 2. "AN Act against the Importation of Irish Cattle."
[Vid. plus, fol. 122.

This Act is grounded on the Statute of 19 H. 7. which is against the Exportation of Coin out of the Kingdom.

MR. Wentworth would have the Bill against the Exportation of Coin go forward, but would not have Victuals restrained, for that would undo the Poor to enrich the Gentleman; for, the cheaper Victuals are, the better it is for this Kingdom.

SIR Jo. Ipsley saith, that there is half as much spent by those of Ireland here in England, as they receive for Irish Cattle; for there is no Houshold Stuff, other than Beer Vessels and the like, used in Ireland, but all comes out of this Kingdom.

SIR Robert Phillips saith, that the Price of Victuals in Somersetsbire is (notwithstanding the importing of Irish Cattle) as dear as ever it was:—
That the importing of Irish Cattle doth mar the Kind and Breed of our Cattle here:—That it hath caused the Exportation of Twenty or Thirty Thousand Pounds yearly, only out of Somersetsbire; and those who have brought thither these Irish Cattle have not there expended Twenty Pounds.

MR. Neale saith, that there is much Barrel Beef brought into Devonsbire out of Ireland, and yet Beef

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SIR William Gray would have a Clause added to restrain the bringing in of Cattle out of Scotland into England; for the Scots setch Cattle out of Ireland into Scotland (which is, at St. Patrick's Island, but Three Hours' Sail between Scotland and Ireland) and then send them hither into this Kingdom, and carry out our Money for the same.

SIR Ed. Sackville saith, it is not Cheapness but Money that enricheth the Kingdom; and, if Irish Cattle be brought in, and our Money exported, we shall still be poor.

[This Bill is committed.

MR. Glanvile faith, he did not conceive that Sir Charles Morrison did speak any Thing to give Offence to Mr. Cooke, or any Man else.

SIR Ed. Sackville faith, that he that struck first gave the Offence to the House; for, if he had been wronged, he should have complained to the House for a Remedy.

MR. Whithy faith, that the Provocation given in the House may somewhat extenuate the giving of the first Blow.

SIR Samuel Sandes saith, that, if he thought Sir Charles Morrison had spoken the Rhime of the Judges riding on Asses in Derision of the Judges, he would censure him:—That Mr. Cooke hath confessed he gave the Blow, and we may proceed to Sentence. He saith, that, where we may hear and determine, 3) there we may give an Oath; and this concerneth not the Differences between us and the Lords, for they say, we may not hear and determine in Causes not concerning this House, or a Member hereof; but their Lordships say not, that we may not examine on Oath in any Business which is in our Cognisance:

—That he would have us to examine all Witnesses on Oath touching this Business, except such as are Members of this House.

Vol. II. E e Mr.

Mr. Recorder, Mr. Sollicitor, and Mr. Thomas Crewe fay, that we may give an Oath for the finding out of a Truth in a Business which lieth in our Cognisance and Power to determine and judge; for it is the Course of all Courts of Justice to take Oath, and it is agreeable to Precedents, that in such Cases we have given Oath.

MR. Wentworth saith, that he thinketh Mr. Cle. Cooke, for giving the Blow, as he himself hath confessed, should be sent to the Tower, there to remain till this House shall consider of a Satisfaction to be

given to Sir Charles Morrison.

SIR Thomas Rowe saith, that, the Blow being confessed, and the Provocation not being such as might incense any Man, he is of Opinion, that Mr. Cooke should be sent to the Tower, there to remain till himself shall voluntarily offer to give Satisfaction to Sir Charles Morrison; for that he thinketh, that a compulsory Satisfaction is not sufficient to satisfy Sir Charles Morrison, who hath suffered much in his Reputation.

SIR Robert Phillips saith, that he is of Opinion, that Sir Charles Morrison had no Intention to speak those Words in Derision of Mr. Cooke; and therefore would have Mr. Cooke sent to the Tower.

Sir George Moore faith, that who seeketh to lay a Punishment on Sir Charles Merrison doth but endeavour to lay the heavier Punishment on Mr. Cooke; for Sir Charles Morrison was provoked to do what he did by a Blow, which no Man can bear. He would have Mr. Cooke sent to the Tower, but would not have it mentioned, that he should remain there till he made a voluntary Satisfaction, for such a Satisfaction would be compulsory, clothe it in what Words you will; but he would have him remain in the Tower during the Pleasure of this House.

SIR Ed. Rodney would have Mr. Cooke to deliver a Truncheon to Sir Charles Morrison, to strike him

again, if he pleafe.

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Mr. Finch faith, that, fince Mr. Cooke hath confessed the Blow, he would have him sent to the Tower. but that satisfieth not Sir Charles Morrison; and therefore he would have Mr. Cooke to remain in the Tower till this Day fennight: and, if he in that Space offer not to give Satisfaction to the Party grieved, that then this House should consider of the Reparation of Sir Charles Morrison's Reputation.

SIR Ed. Sandys faith, that, fince Sir Charles Morrifor gave Mr. Cooke no just Cause of such Excess, he would have Mr. Cooke to be fent to the Tower, there to remain for a Week, to see if in that Time he will offer of himself to give any Reparation to Sir Charles Morrison; and, if he do not in that Time make a Reparation, then he would that this House should consider of a Reparation; and in such it is no Dishonour for a Man to take a compulsory Reparation.

It is ordered, and by Question adjudged, that Mr. Cooke shall be sent to the Tower, there to remain during the Pleasure of the House, for his Offence in striking Sir Charles Morrison without any just Cause, and that Sir Charles Morrison shall be at Liberty; and that, if Mr. Cle. Cooke give not Sir Charles Morrison [Satisfaction] in some convenient Time, that then this House will take Consideration of the Reparation of Sir Charles Morrison's Reputation.

SIR Charles Morrison is hereon called into the House, and took his Place as a Member of the House, as soon as Sentence was given on Mr. Cooke; who was first called into the House, and kneeled at the Bar, whilst the aforesaid Judgment was pronounced against him by the Speaker.

#### Thursday, May 10.

Being Ascension Day, the House sat not in the Morning, but all Committees held in the Afternoon.

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#### Friday, May 11.

MR. Alexander Mellin, the Clerk that maketh all the Writs for the County Palatine's Seal of Lancafter, being arrested by the Sheriff of Middlesex, on a Writ of Capias ad Satisfaciendum, is ordered by the House to be discharged of the said Arrest, for that the Chancellor of the Dutchy did in the House affirm, that he was his Clerk for that Purpose, and had the Charge and Care of making and returning all fuch Writs, and that he received Wages of him to

perform this Service.

Mr. Nove's Report concerning the Alehouses. He faith, that the Reason, why this Business was committed, was the Justification that was made (at a Conference between us and the Lords, by the now Lord Treasurer) of the Lawfulness of the Patent or Grant of the Forfeiture of Recognisances for Alehouses:—That one Milton is said to be the Projector of this: - That Sir Robert Maxwell, Sir Ja. Spencer, Mr. Christopher Villars, and Mr. Maul preferred the Petition; which was referred to the then Chief Justice Montague, now Lord Treasurer:-That the Pretence in the Petition is for the Reformation of the Abuses of Alehouses: the Certificate made by the Referree was, that, if the Grant were well framed, the Abuses of Alehouses might be amended; and addeth thereto, that there should be Cautions (which he expressed in the Certificate) observed; and amongst the rest, that there should be one Caution, that the Patentees should grant no Licenses, for that might be an Abuse :- That the Patent was granted in 15 Fac.—That by this Patent the Recognisances of Alehouse-keepers should be Ten Pounds the Principal, and Five Pounds apiece the Two Sureties, and that they should be all of them certified to the Sessions, and thence returned into the King's Bench :- That the now Lord Treasurer did set down Instructions or Orders to be observed (till the Proclamation should take

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take Effect) in this Business: Power was given by the Patent to the Patentees or their Deputies to compound with the Alehouse-keepers:-That the now Lord Treasurer did give Instructions, that those who would compound should pay a reasonable Rate for a Composition; and those who were obstinate should pay all Forfeitures according to the Law. The Reasons why the Committee thought this Patent a Grievance were, First, for that this Patent was præter intentionem Statuti 5. Ed. 6. for all Alehouse-keepers were alike, and fared alike, with Dickson and Almon the Patentees, as well he that forfeited his Recognisance, as he that kept good Order, and had not forfeited the fame. Second Reafon, that, by this Patent, a new Fee was increased on the Alehouse-keepers; for before he was to pay for his Recognifiance drawing but Twelvepence, and by this new Patent and Proclamation it was raifed to Eighteen Pence more. Third Reason, the Inconveniency of granting of Process, as they did by Virtue of this Patent, to Five Hundred or a Thousand Men. Fourth Reason, for that it was contrary to the King's Book, which is, that none ought to have the Penalty of any Statute, and the Penalty of the Forfeiture of fuch Recognifiances is no other than is warranted by that Statute. Fifth Reason, that this Patent is contrary to the Statute of 1 Fac. Reason, that the Power of Justices of Peace is hereby taken away, because the Recognisances were sent up to the King's Bench out of their Reach or Authority. Seventh Reason, for that it was not the Intent of the Statute to commit the Trust of the Execution of that Statute to Dickson and Almon, or any other particular Subject or private Man, but to the Justices of Peace. Then the Committee took into their Confideration, that there are now Thirty Thouland Alehouses in England and Wales, and the Danger and Damage that may come to the Kingdom by giving Power to Two Men only to look into the A-E e 3

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buses of these Kind of disorderly Alehouse-keepers. Touching the Execution of the Patent, that there were between Nine and Ten Thousand Certioraries certified and returned into the Crown Office, by Virtue of which Certioraries the Recognifances were fent up either into the King's Bench or Crown Office:-That there went forth so many Writs by Occasion of this Patent, that one Radford got Twenty Pounds per Annum by making of Writs, taking for them at the Rate of Twelvepence a Dozen of the Writs: That there were also in some of the Writs Twenty, Forty, sometimes Sixty Men in a Writ, and yet there were other Men who made those Writs:-That those who were served with these Writs, and came up to London, could have no Declaration put in against them, albeit they had been some of them ferved two or three several Times on several Writs: -That Sir Francis Michell was the principal Man that caused these poor Men to be vexed:-That there was, after this Manner, gathered by the Patentees and their Deputies Sixty Pounds in Sarum, in other Places Forty Pounds, and in most Places more than a Fifteenth would come to: - That, when the Patentees had thus made their Harvest of the best Places, then they did let the rest in Farm to divers Deputies by Commission; and this Kind of farming is not only unlawful, but contrary to the Power given by the Patent:-That in farming of all the Counties, Sir Francis Michell had still of every Deputy or Farmer a Bribe to help them to a good Bargain: - That there were Articles of Agreement fet down by the Alehouse-keepers, whereby they offered to pay to the Patentees a certain Rent by the Year: - That these Articles being presented to Sit Ja. Spence, he liked some of them, and not others of them, because it was more than the Patent would warrant:-That the Patentees told the Deputies or Farmers, that they would affift them to get the faid Articles allowed of.

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WHAT the now Lord Treasurer, then Lord Chief Justice, did in this Business.—There were Commissioners sent by the Patentees into every County to make Compositions for these Forfeitures of Alehouses, and the now Lord Treasurer did send nine several Letters into nine of these Counties, whereby he did give Allowance to the Commissioners; in which, Mr. Nove faith, it was thought the faid Lord Treasurer was a little mistaken: - That one Weston (who was Sollicitor for the Alehouse-keepers against this Patent) was committed by the Lord Chief Justice Montague, because it was alleged, he had plotted to have met the King with a Troop, some say, of thirty or forty Men, others say, of an hundred or two hundred Men; and to deliver to his Majesty a Petition from the Alehouse-keepers against the Patentees: - That there was a Fee of Two Shillings taken by Sir Francis Michell on every Writ of Certiorari, which was (as Sir Francis Michell faid) for the then Lord Justice, now Lord Treasurer Montague, and that there was so much taken after this Rate, for the then Lord Chief Justice Montague, as amounted to Twenty Two Pounds.

SIR Francis Seymour saith, that Sir Edward Mouns)tague hath offered an Affront to him and the House, by threatning him to be questioned after the Parliament in another Place. He desireth, that, if it appear to this House by this Report of the Alehouses to be true what he hath said, that he may be cleared by an Order of this House, so as he may not be subject to others Censure hereafter elsewhere.

MR. Mallet faith, that it was no Fault in the then Lord Chief Justice Montague to give Allowance by his Letter to the Justices of Peace to be Commissioners, who were mentioned in the said Commissions for the compounding with the Alehouse-keepers; but the Fault was in the Deputies, who did by Colour of that Letter seem to countenance their Commission, the Letter being nothing to that

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Purpose: He saith, he thinketh, that the said Lord Chief Justice had a Hand in the Proclamation, but he seeth not that he meddled any Thing with this other than was sit; and therefore he desireth, if the said Lord Chief Justice be sound clear, that we may

do it here by the Vote of the House.

SIR Robert Phillips saith, his Heart is set on this Business, but yet he would have all Men cleared who have not been faulty. He thinketh this Business should be presented to the Lords. He would have a select Committee appointed to look over all the Examinations of this Business, and to apply every Man's Fault, in the Execution thereof, to the particular Author or Agent, as the same was by them severally acted, and that every one might bear his own Burthen, and that so it should be sent to the Lords.

SIR Francis Vane moveth, that Mr. Nove should make the the same Report to the Lords, that he

hath here done to us.

It is ordered by Question, that Mr. Nove shall set down the Heads of this his large Report of the Business concerning the Patent of Forseitures of Recognisances of Alehouse-keepers, and the Names of the Parties that meddled therein, and that then he shall present the same to us; and that, after we have perused, and given Allowance of the said Heads, that then Mr. Nove shall make a Relation thereof to the Lords by Word of Mouth, as he did it to this House.

SIR Ed. Mountague saith, that he said nothing concerning Sir Francis Seymour, but that, if those Things which he had spoken and alleged against the Lord Treasurer were not proved to be true, that then he hoped the Lord Treasurer might have Liberty to question him.

MR. Alford faith, that it is the Course of Parliament, that those who have been questioned in this House, or threatened to be questioned hereafter,

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It is resolved by Question, that it is the Opinion of the House, that Sit Francis Seymour, in the debating and handling of the Business of Alehouses, hath said nothing but what was sit, just and his Duty to his Country and this House for him to speak

ONE Mr. Rossitor's Boy of Lincolnsbire finding a sealed Letter in Westminster Hall, directed to the Knights, Citizens and Burgesses of the lower House of Parliament, Mr. Rossitor delivered the same Letter to Sir Edward Sackville, Member of this House, who presented the same sealed (as he received it) to the House.

SIR Samuel Sandes saith, that the King's and all our Lives were saved in the Powder Treason, by Means of a Letter; and therefore he would have some select Committee to be appointed to open it and see it, and that it should not be burnt (as some would have it, lest it should be a Libel) till it had been read.

It was accordingly ordered, and a Committee named, wherein were all the Privy Council, and some three other of the principal Members of this House.

THE Committee having opened it in the Committee Chamber, there was nothing in it but an Information of divers particular Businesses against Sir 70. Bennett.

SIR Edward Cooke's Report concerning the Conference with the Lords, touching the Business of Floid. That the Committee agreed on what shall be delivered to the Lords for the accommodating of that Business, and hath divided it into two Parts: first, the Inducement; secondly, the Nature and Matter of this Accommodation. For the first, that we never meant to meddle with their Lordships Power, that we gave Sentence because of the Notoriousness of the Fact, for the Zeal of our Duties,

for the Honour of the King and his Children, and our House; and that the Sentence being thus given, the Committee thought fit, that we should not advise nor contradict their Lordships, if they will give further Sentence on Floid, but only desire their Lordships to take into their Consideration the Heinousness of the Offence, and to do it with Expedition: and, for the second Part, to offer unto their Lordships, that our Precedent shall not be drawn in Consequence against the Privileges of their or our House, and that there shall be here (if their Lordships desire it) a Protestation in this House, that this Precedent shall be no Prejudice to the Privileges of either House, and that then we will defire there may be the like Protestation in their House.

Mr. Cle. Cooke fendeth a Petition, under his Hand, to this House, shewing, that he is very forry for his Offence to this House, and acknowledgeth the Sentence given here against him to be just; faying, that he is ready to give what Satisfaction this House shall think fit.

It is ordered, that, in Respect of his Father's (176) Merits, Mr. Cle. Cooke shall be presently released from the Tower, and remain with his Father in safe Custody, till there shall be a Reconciliation between him and Sir Charles Morrison.

It is ordered, that certain Members of this House (who are named purposely) shall consider of a fit Reconciliation to be made to Sir Charles Morrison by Mr. Cooke, and shall present the same to this House to be approved of; and that then it shall be offered to both Parties, the one to give it, and the other to accept of the same.

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# Friday, May 11.

#### COMMITTEE.

ONE Richard Pennington petitioneth this House, shewing, that in a Suit between him and one Page, the Master of the Rolls made a Decree grounded upon a false and shameful Report made in that Cause by Sir James Woolderidga, who therein allowed Extortion, Brocage, and Use upon Use.

This Petitioner is to prefer a Bill of Review.

A PETITION preferred to this House in the Name of the Mayor, Jurats and Commonalty of the City of Northampton, against the Official or Chancellor of that Diocese which is under the Bishoprick of Peterborough, shewing, that the said Dr. Lambe hath scandalized that Town, and hath encouraged some against the Governours thereof: That he and his Officers have extorted more Fees than ever were paid:—That he hath kept Wills from proving longer than ordinary:—That he and his Officers enforce Men to prove Deeds in their Courts, and taketh for it of some Twenty Shillings, of some more, and others less:—That the whole Country will prove, that he excommunicateth Persons on the first Citation:—That his Officers take Fees, albeit the Parties are quit by the Court:—That one [ . . . ] [ . . . . . . . . . ] paid for coming to Church with a foul Band and foul Shoes on a Sunday Three and Fifty Shillings, which was proved to this House by the Party that paid the Three and Fifty Shillings.

ONE Craddock examined faith, that the Widow Hall gave to Mrs. Lambe, Dr. Lambe's Wife, two Pieces, by this Examinant's Hands, for the Probate of a Will; and that he, this Examinant, gave to Dr. Lambe himself, and to his Officers, Two Pounds Nineteen Shillings in a Suit for a Seat in

the Church.

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SIR Henry Hastings, a Member of this House, faith, that some Parishioners of Higham were by Dr. Lambe examined ex officio on their Oaths, and punished for going to a Sermon out of their Parish, on a Sunday in the Afternoon.

EDWARD MOORE examined faith, that Dr. Lambe made him pay Eighteen Shillings only for conversing with one that was an excommunicate Person, and did also excommunicate this Exami-

nant for the same.

By the common Law, a Man may be excommunicated if he converse or keep Company with one that is excommunicated majori excommunicatione.

SIR Edward Cooke faith, that by the Statute of 23 H. 8. a Man should not pay above Five Shillings

for the Probate of a Will.

ONE Francis Huffam complaineth, that Dr. Lambe doth connive at known Adulterers and Fornicators, and taketh Money of them privately:-That Dr. Lambe took of a Widow for Letters of Administration (her Husband dying intestate) Three Pounds Ten Shillings, the whole Inventory of the Intestate's Estate amounting not to above Twenty Three Pounds in all.

SIR Edward Cooke faith, that, Dr. Lambe being of the Convocation House, we may not have him to answer to these Things, unless we send to the Con-

vocation House for him.

IT is ordered by this Committee, that it shall be commended to the Confideration of this House, how we shall have Dr. Lambe to answer these Things.

JOHN RICHARDSON, Esquire, a Barrister at Law, dwelling in the City of Durham, doth petition against Jo. Craddock D. D. Official, Commissary, and Vicar General of the Diocese of Durham, in which County also he is a Justice of the Peace: by which Petition the faid Mr. Richardson doth accuse the faid Dr. Craddock of many very foul Businesses,

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which he hath done by Virtue of all his Offices, and for imprisoning of Men unjustly for his own Ends.

MR. Blakestone, a grave Prebendary of Durham, examined faith, that one Braffe himself did confess, that he gave Dr. Craddock Twenty Nobles for a Composition for Incest or Adultery, which the said Brasse did commit; and for the said Twenty Nobles, the faid Braffe had a Discharge from Dr. Craddock; who told the faid Braffe (when he gave him his Difcharge) that, if it had not been for some of the said Braffe's Friends, he should have paid for the same Twenty Pounds. This is also testified in the House to the Committee, by this Prebendary's Son, who faith, he heard the faid Braffe confess as much.

THE same Mr. Blakestone saith further, that the better Sort of People do speak very ill of Dr. Craddock, and the meaner Sort do fo fear him, they dare not come to him: he faith, that one Day Dr. Craddock gave this Examinant very foul Language, at the high Commission in Durham, because this Examinant did there refuse to proceed in a Cause to censure (this Examinant being one of the high Commission there) before he had fully heard the Cause,

and understood the State of it.

177) This Business is by the Committee thought fit to be presented to the House before Dr. Craddock be heard; because he being of the Convocation House, we may not have him here, but by some Means, fuch as the House shall order and think fit.

#### Saturday, May 12.

"An Act for Confirmation of a Decree made in "the Chancery, on the Behalf of Sir Ed. Fisher, a-" gainst Mr. Wrennam."

"An Act for the making of certain Rivers navi-

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By this, one Jo. Gaston is to have Power to make Rivers navigable, and to cut Lands, and to do any other other lawful Act for the making of Rivers navigable, first agreeing with the Owners of the Land for such Rate as the Commissioners of Sewers shall think fit.

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This Bill is cast away, but the House is willing to give Way to a Bill that any particular Town or County shall prefer to have Mr. Gaston authorized to make navigable for them.

"AN Act for the better making Serges and Per-"petuanas." [Committed.

"An Act concerning Monopolies and Grants of

"the Dispensations of penal Laws." \*

In this there is a Proviso, that there may be Patents granted for twenty-one Years to such as have made any new Invention: Proviso to except the Patents for the sole printing of the Books of Common Prayer, Statutes, Proclamations, and Books with new Glosses: Proviso for the Patent for the sole digging of Saltpetre and Alum, and for the sole making of Iron Ordinances: Proviso for the Cor-

porations of any Towns or Companies.

SIR Edward Cooke's Report of the last Conference with the Committee of the Lords, concerning the Business of Ed. Floid. He saith, that he divided his Speech into two Parts: first, the Inducement; wherein he laid down our Confidence and Refolution to maintain the good Correspondency with the Lords, by Means whereof this Parliament hath reduced great Abuses to a good Order, by punishing of great Offenders: - That what we did was far from any Intent in us to gain a Precedent, or to invade their Lordships Liberties or Privileges: - That the Judgment was given out of our Zeal to his Majesty. The fecond Part was, for the Accommodation, that we relied on their Lordships kind Messages, and that we defired, that this Judgment might be so accommodated, as it might be without Prejudice to either of the Houses:-That we leave it to their

<sup>\*</sup> Paffed our House.

Lordships; if they would proceed to a Judgment and Censure of Floid, that we defire they would then do it according to Floid's Demerits, and that the Execution might be done with Speed; and that we would make and enter a Protestation that this Precedent should not be prejudicial to either House:-That hereupon the Lords did (after a private Consideration) present to the Sub-committee a Protestation in hec verba: " A Protestation to be entered in the " House of the Lords, by the Consent of the House " of Commons, that the Proceedings lately past in " that House, on the Judgment of Edward Floid, " be not at any Time hereafter drawn or used as a " Precedent to the Prejudice of either House; but " that the Privileges of both Houses do remain " and abide as before."

SIR Nath. Rich moveth, that the Committee may have Power to conclude on the Protestation which the Lords offer; but would have added, that neither the Proceedings by us, nor any other Proceedings which are or shall be in this Business, may be to the Prejudice of the Privileges of either House hereafter.

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THE Master of the Wards complaineth, that he, seeking at the Conference with the Lords to repair or explain a Mistaking of Sir Edward Cooke in the Delivery of the Message at the Conference at the Committee, was told by Sir Edward Cooke, that there was the Spirit of Contradiction amongst our Committee, pointing at him; and adding withal, that he, who should seek to sow Sedition in the House, was not worthy of his Head.

SIR Edward Cooke protesteth, that he spake generally, and meant not the Master of the Wards; but said, that the like Contradictions, at the last Convention, were the Overthrow of the Parliament:—That the Words which he spake at the Time were as the Clothes in Birchin Lane; if the Master of the Wards did apply the same to himself, it was more

than he meant to him; for, when he spake those Words, he took not Measure of the Master of the

Wards' Body.

On Sir Edward Cooke's Protestation in the House, that he meant not the Master of the Wards, in any of those Words which the Master of the Wards did except against, the Master of the Wards in the House openly said, he was well satisfied with Sir Edward Cooke's Protestation.

SIR Edward Sackville would have us fend to the Lords, to know, if their Lordships in their House have confirmed the Protestation they offered at the Committee; and, if they have, that then he would

have us confent to it.

IT is ordered by Question, that a Message shall be fent to the Lords on Monday Morning, to know, whether they do allow of the Protestation offered at the Conference by the Committee or no.

#### Monday, May 14.

" An Act for the Relief of the Pewterers of Lon-" don, and the furnishing of England with Pewter, " at reasonable Rates."

By this the Pewterers are to have the Preemption of Five Hundred Thousand Tons of Tin. [Rejected.

SIR Robert Killigrew faith, that it appeared upon (17) Examination, that half the Quantity of Five Hundred Thousand Tons of Tin will furnish this Kingdom:-That, if the Pewterers have thus much allowed them, they will cast it up (as is well known they used to do) in rough Dishes, and send it beyond Sea; and there they will, by this Means, underfell the Merchants, and fo prejudice the Prince in his Revenue.

SIR Roger North, a Member of this House, being ferved with a Subpana to answer in the Chancery, defireth

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fireth the Privilege of this House, or otherwise Leave to be absent to follow his Suit.

SIR Edward Cooke saith, that in 10 Ed. 3. one Thursby, then a Member of this House, being served with a Subpana out of the Chancery, claimed the Privilege of this House, and thereon he that served him was sent to the Tower.

It is ordered, that he who served the Subpana on Sir Roger North shall be sent for.

SIR Edward Cooke's Report of Lepton's Patent. He faith, that it is true that he drew this Patent in Queen Elizabeth's Time:—That this Patent is for the fole drawing of all Letters in the Nature of Procels, and for the fole making of all Bills which are to be preferred in the Court at York, which Court first began in 29 H. 8. on the Dissolution of Abbies:-That in 4 Eliz. it was ordered, that there should be Attornies for that Court, for the despatching of Causes and drawing of Bills there :- That in 4 Fac. this Patent was granted to the Secretary there, for the drawing of Bills as well as Letters in the Nature of Process: -That Lepton, the Secretary (as he faith) gave to the Lord Sheffield, then Lord President of York, a Thousand Pounds for his Favour, that this Patent might pass, his Lordship being the Referree for this Business; and Lepton saith, he gave also Nine Hundred Pounds to Ferne, one of the Council of York, for his Favour likewise. Sir Edward Cooke faith, that he (then being Attorney General) drew this Patent, by Warrant from the Lord Treasurer Salisbury; for he holdeth not a Warrant from a Master of Requests a sufficient Warrant whereby to draw a Patent for Life, or Twenty-one Years; but fuch a Warrant ought to come from the Lord Treasurer or the Chancellor of the Exchequer, to whose Care the granting of all Patents doth properly belong.

It is resolved by Question, that this Patent, granted to Mr. Lepton, for the sole drawing of Bills, which are to be preferred before the Council of York, and

for the drawing of Letters in the Nature of Process in those Courts, is a Grievance both in the Creation

and in the Execution.

SIR Edwin Sandys sheweth the Trouble and Danger all the Protestants of France stand in at this Time, they being by a Surprise disarmed:—That the Kings of this Realm heretofore have crowned the Cinque Ports with many Privileges, in Confideration of a great Charge they are at to defend the best Ports of this Kingdom; they, the faid Ports, having been heretofore defended by a Garrison, which the King kept there at his great Charge, for the Defence of the same: - That they of the Cinque Ports defire, that, according to their ancient Charter, they may have Liberty of free Trade, and free buying in Blackwell Hall; for otherwise they shall be forced to abandon the Sea Coast, and leave the Ports desolate. And herewith he delivered a Petition from the Cinque Ports to this Effect, which was read; and therein was a Complaint, that the Merchant Adventurers had made Stay of the Cloths of certain of the Merchants of the Cinque Ports, and did now prosecute the faid Merchants of the Cinque Ports in the Star Chamber, for taking away the faid Cloths; which were their own, though feized by the Merchant Adventurers.

MR. Towerson saith, that the said Cloths were stayed and seized by Order and Warrant of some of the Lords of the Council, and others by Warrant from the Lord Warden; they were stayed and sent up to London, and that by the Way these Cloths were violently taken away from the Carrier; and that thereon Mr. Sollicitor that now is, being Recorder, laid the Carrier in Prison and examined the Parties: and that the King himself once said, sitting in Council (on Complaint of the Company of Merchant Adventurers of the like Abuses by those of the Cinque Ports and others of the Out Ports) that the Course to remedy such Abuses was by Suit in the Star Chamber.

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SIR Edward Cooke saith, all the Ports, but especially the Cinque Ports, are to be favoured and strengthened; for England was never invaded but at one of the Cinque Ports. 23 Ed. 3. the King had granted away a Port in Yorkshire; but then it was resolved, that a Port Town and a Gate of the Kingdom cannot be granted away: And, if the Benefit of the Cinque Ports be granted away, they must perish; and then it were as good the Ports were granted away. He saith, that no Man's Goods may be seized as forseited, but by the Warrant of an Act of Parliament.

MR. Alford faith, that it was an ancient Order in both Houses of Parliament, that, whilst any Thing is in Debate in either of these Houses of Parliament, the King should not be acquainted with it, till the House had taken some Course in it:—That it is against the essential Part and Course of Parliament, that those Things which are here in Debate should, by the King, be taken out of our Hands. He must say thus much, since it concerns the Liberty of us all, although it may never so much displease the King.

Spencer, that the Merchant Adventurers might be known, who preferred the Petition to the King, to take the Examination of their Patent, and the Manner of their Execution of the same, out of our Hands: For the King did intimate to this House, that he would not have us to be too busy therewith, when we were with his Majesty concerning the Business of Ed. Floid.

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It is resolved, that the Business of the Cinque Ports shall be heard and considered of on Wednesday next.

"An Act against the secret receiving of any Pen- L. i. sinons or Gifts by any foreign Prince or State."

By this fuch as receive any fuch Pension or Gift, without special License of the King, shall forfeit all F f 2 their

their Goods and Lands during his Life, and be utterly disabled to bear any Office; except they are such as have been Soldiers or the like, in foreign States. [Vid. plus, fol. 190.

SIR Edward Sackville saith, that there are Three Things to be performed before Absolution be given, viz. Confession, Contrition, and Satisfaction; and so he offereth to the House the Satisfaction, that the Committee thought sit to be made by Mr. Cle. Cooke, in bac verba: "I acknowledge, that without any just Cause, being transported with Misprison and Passion, I did strike Sir Charles Morrison a Blow behind him, for which I am heartily sorry, and do ask Pardon of Sir Charles Morrison; whom I acknowledge to be a brave and valiant Gentleman, and shall be ready at all Times to defend

It is ordered and commanded by the House, that this Satisfaction shall be pronounced by Mr. Cle. Cooke in the House, on his Knees at the Bar; and Sir Charles Morrison is likewise ordered and commanded to accept

of this Satisfaction. Of the new part

" him for fuch an one."

MR. Hackwell faith, that Mr. Damport, a Servant to the Lord Chancellor Bacon, doth deny on his Oath, or at least not affirm on his Oath, what he affirmed here in this House concerning the Bishop of Landass, who (Damport said in this House) was a joint Broker with him, and a Cognisee in a Recognisance of Ten Thousand Pounds, which Mr. Ed. Egerton entered into. He desireth that (according to ancient Precedents) we may send to the Lords, to demand Judgment of the Bishop of Landass and Damport; for it hath been an ancient Course, that we should send to demand Judgment, before their Lordships send to us to acquaint us, that they are ready to give Judgment: and, if we find that Damport hath denied on his Oath what he affirmed here, that then we may

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MR. Alford would have Damport sent for with Expedition, lest, hearing of our Cognisance of this his Fault, he sly away. He desireth, that some may be ordered to take into Consideration the ancient Manner of our demanding of Judgment, for the Lords (when they declare their Judgment of any whom they sentence) do not tell us wherefore they do sentence him; by which Means, we know not what Part of our Information was proved, nor what was not, nor whom they have cleared; whereby we know not who is free, nor who hath been unjustly taxed.

It is ordered, and a Committee appointed, to feek forth the ancient Manner of our demanding of Judgment of the Lords on any Person whom we send up to their Lordships. And Damport is sent for by Order.

A Petition of Jo. Harmond, of [...] in the County of Leicester, complaining, that his Life was by a Conspiracy like to have been taken away for Felony:—That the Conspirators did offer a Juror an Hundred Pounds to find an Indictment:—That Sir Thomas Beaumont did commit him to Prison unjustly for taking away Four Pounds from one Halfpenny, one of his, this Petitioner's Tenants, and would not take Bail.

MR. Alford would have this Petition sleep; but he saith, that it is a usual Course to hear in the House a Petition read, though the Committee hath rejected it; for a Committee's Opinion is not to bind the whole House: and he saith, he hath known a Bill (which hath been thought sit by a Committee to be rejected) hath yet been read in the House, and passed by the House.

"An Act against the transporting of Iron Mine, L. 2. Cast Iron Ordnance, and Cast Iron Shot."

[Vid. plus, fol. 158.

By this all Letters Patent for the transporting of any such are to be void; and all Men are disabled to take such Patents: Proviso, that this shall not hinder the transporting of any Ordnance into any of our King's Islands of Guernsey, &c. Ireland or Scotland, there to remain.

SIR Edward Sackville would not have any Proviso, that it shall be lawful to carry Ordnance, &c. into Scotland or Ireland, till it be made, by a Law in those Kingdoms, Felony to transport Ordnance from thence.

MR. Guy would have a Proviso, that it may be lawful to transport Ordnance, &c. into the Summer [18] Islands and Virginia, for the Defence of those Countries.

[This Bill is committed.

MR. Hackwell faith, that, now Mr. Damport is come, if he be the Lords' Prisoner, we may not commit him; and we may not proceed against him, till we understand the Truth of his Fault from the Lords, for we have it yet but by Report. He would have him examined, whether he be a Prisoner to the Lords, or no? if not, that then we should commit him to the Serjeant, there to remain in safe Custody; but to go at Liberty, if he will give good Bond to the Serjeant for his forthcoming.

SIR Peter Hammond faith, that he heard Damport fay in a Tavern, that the Lords knew not how to examine him, but he was fain to put them into the Way; and that he had a Purpose to have spoken more to the Lords, but they were not capable of what

he faid.

It is ordered by Question, that Damport shall be committed to the Custody of the Serjeant, to be forthcoming; and Order is given to the Serjeant, that, if Damport will give him Two Sureties, to be bound in a Bond of Five Hundred Pounds, for the said Damport's forthcoming, when he shall be required of this House, that then the said Damport, on such Bond, shall go at Liberty.

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SIR Edward Cooke reporteth from the Lords, that their Lordships do confirm and agree to the Protestation before mentioned, in the Business of Floid. And hereon we sent to the Lords our Consents, that the same should be accordingly entered, as a Thing we approved of.

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"An Act for the naturalizing of John Young, Doctor of Divinity, and Dean of Winchester, a Scotchman."

[Sent from the Lords.

### Monday, May 14.

#### COMMITTEE.

MR. Robson examined faith, that Mr. Fowler seleth the Looking Glasses, which he bringeth into the Kingdom, for Six and Fifty Shillings a Dozen; and that the Patentees sell as good Looking Glasses for Four and Forty Shillings a Dozen.

Jo. Fowler answereth, that the Looking Glasses made here in England are not worth any Thing, and that his, that he hath sold here, are better worth Four Pounds, than the other, which are made here, are worth Four and Forty Shillings:—That the Patentees cannot make Looking Glasses here; but that they have rough Glasses from beyond Sea, of which they make good Glass: and that Mr. Robson, and others of Sir Robert Mansell's Servants did buy Five Hundred Pounds worth of rough Glass, of Mr. Dike, a Merchant of this Town.

A CERTIFICATE from Coventry: That, when Glass was made with Wood, they there bought a Case of Glass for Nineteen Shillings, and had it so brought home to them; and they now pay (since the Patentees had the making of it with Coal) Six and Twenty Shillings, at the Glasshouse.

Francis Bristow, a Glassmaker, examined testifieth, that in Cheshire and Lancashire he sold better Glass, than is now made, for Sixteen Shillings a Case; and

was

was fent for up to London by a Pursuivant, by Sir Robert Mansell's Means, who made him work here for Fourteen Shillings a Case, and tied him to it by an Agreement, which he sheweth, under the Hand of Sir Robert Mansell; so as the said Sir Robert Manfell did get Two Shillings a Case, of the Price, which this Examinant was wont to have, and yet the faid Sir Robert fold it dearer than for Sixteen Shillings a Case: and this Examinant by the said Agreement is tied, and was content to teach English Ap-

prentices to make Glass.

SIR Thomas Ireland, of Council against the Patent, laith, that the Patent of 11 Jac. for the making of Glasses with Sea Coal, was here on the Convocation of Parliament (on full Hearing of Council on both Sides) resolved and condemned to be a Grievance in the Creation: and it is apparent (as is mentioned before) that these Patentees were not the Inventors of making Glass with Sea Coal: - That it is a Grievance in the Execution, the Certificate and Complaints before shewn do testify: and also there is a Clause in the Patent, that no Man shall import or export any Glass:—That there were Eight Glasshouses before the Patent was granted, and since (till within these few Weeks) there were not above Two Glasshouses:-That Mr. Edward Salter, a Member of this House, hath, out of this, One Hundred and Fifty Pounds per Annum, one Turner hath Two Hundred Pounds per Annum, and Mr. Rob. son hath an Hundred Pounds per Annum.

Mr. Edward Salter, a Member of this House, faith, that he had a Glass Furnace in Suffolk, and it pleased his Majesty (when this Patent was first granted) in Confideration of his putting down his Glasshouse, to grant him an Hundred and Fifty Pounds per Annum, during his Life; but he is to have his Pension out of the Exchequer, if this Patent fail, fo as it is indifferent to him, whether this Patent

stand good or no.

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To SII that t would MR. Mallet saith, that those who have a Patent for a new Invention, are to have it only for so much as they do invent of new; for there was one that having made a new Invention of Dudgeon Hasts for Daggers, got a Patent for the sole making of Dudgeon-hast Daggers; but it was resolved by the Judges, that his Patent was void, and that he could solve have the sole making of the Dudgeon Hasts. And this Patent can only (in Consideration of the Invention) be granted for the sole making of Glasses with Sea Coal, but may not hinder those who make it with other Fuel: and therefore the Patent is void.

MR. Sollicitor faith, that this Patent is a Monopoly, for the Reason before, and for that also it is granted to the Patentees for the sole making of Glass, and prohibiteth all others to import or ex-

port, or to fell any Glaffes.

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MR. Inigo Jones, Surveyor of his Majesty's Buildings, saith, that the Glass which is now made, being compared with that which was anciently made, is not any Thing near so good:—That his Books of Account will shew the great Excess of Prices that Glass is now sold for, above the Rate that it was before the Patent was granted: and saith, that his Books will also shew, that, by Reason of the Badness and ill burning of Glass, it costeth the King an Hundred and Fifty Pounds per Annum more than it was wont.

IT was resolved by Question of the Committee, that the Patent of Glasses is a Grievance both in the Creation and the Execution.

### Tuesday, May 15.

Touching the Bill concerning Lawyers' Fees. Sir Francis Vane, who preferred the faid Bill, faith, that the King having heard of this Bill faid, that he would have added to it, that those Lawyers who do

not

not speak, or attend to speak, in a Cause wherein they have received a Fee, shall make Restitution; and that in the 13 of Eliz. there was a Care of the Abridgment of Lawyers' Fees. [Vid. plus, fol. 172. This Act is committed.

MR. Whithy faith, that Mr. Cle. Cooke is ready and willing to make that Submission and Satisfaction to Sir Charles Morrison, as it hath pleased this House to

order.

SIR Charles Morrison desireth, that, since Mr. Cle. Cooke is willing (as Mr. Whithy affirmeth from him) to make him that Submission and Satisfaction which this House hath ordered for him to make, he humbly defireth of the House, to pardon Mr. Cooke so far, as that he may neither kneel on his Knee at the Bar, when the Satisfaction is to be made by him, nor ask him (the faid Sir Charles Morrison) Pardon, as is in the Order made by the House.

Upon this Request of Sir Charles Morrison, he was commended; and fo much of the Sentence of

the House was pardoned the faid Mr. Cooke.

Mr. Cle. Cooke at the Bar faith, that he is willing to perform the Submission in the Manner as it is ordered; and, being remitted, doth fay, that he acknowledgeth Thanks to the House, and Sir Charles

Morrison.

SIR Robert Phillips reporteth, that he hath received at the Committee two Complaints: the one against Dr. Lambe, Chancellor of Northampton, and Official to the Bishop of Peterborough; the other against Dr. Craddock, a Divine and Chancellor of the Bishoprick of Durham, and a Justice of Peace in that County. First, concerning Dr. Lambe, who is charged with extorting of Fees for Probates of Wills, and for granting Letters of Administration, and for vexing of the Country with trivial Suits; viz. for receiving Money on the Sunday, and for coming to Church with a foul Band:—That he will not receive any Will, though fairly written, unless it be written

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again by the Registrar, who is his Brother: - That, of those who commute their Pennance, he taketh the Commutation Money to himself; as of one William Barnell Ten Pounds for Commutation Money, which he kept to himself: - That one Craddock, an Attorney at Law, testifieth, that Mrs. Hull gave Two Pieces to Mrs. Lambe for the Probat of her Husband's Will, and entered into a Bond to give the Doctor Ten Pounds more.—For Dr. Craddock, Chancelfor to the Bishoprick of Durham, he saith, that it is alleged and offered to be proved, by divers Witneffes, that one Allison, a Batchelor of Divinity, dying on the 10th of November last, made one Cutheard Handen, a Kinsman of his, his Executor:—That on the 11th of November the Executor Handen (not then knowing he was Executor, but being Mr. Allison's near Kinsman) desires Letters of Administration; which Dr. Craddock would not grant to the faid Handen, but granteth presently a Sequestration of the Testator's Goods to Two of his Servants and to Two Divines:—That the Sequestrators, searching in the Testator's House, found in a Chest a Will, whereby Handen was named Executor; and they then took away of the Testator's Goods Six or Seven Bags of Money: After which Dr. Craddock, in Place of the two Divines, granteth the Sequestration to his faid Two Servants and to Two of his Children; and the next Day Craddock goeth to the Testator's House, to seize the Goods of the Deceased for the Use of the Bishop of Durbam, and, finding the Doors shut, commandeth Handen to open the Door; which Handen at first refusing to do, at length Dr. Craddock (being a Justice of Peace) commandeth him in the King's Name to open the Door; whereupon Handen opened the Door: which as foon as he had done, Dr. Craddock commanded the Constable to take the Custody of Handen for a forcible Detainer, and so sendeth the said Handen to Prison; and after searcheth for Money and seizeth all for the Bishop of Durbam,

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bam, and fineth Handen Fifty Pounds for an unjust Detainer; and at length Handen was glad to give Twenty Pieces to Richard Craddock, the Doctor's Son, that his Fine might be remitted, and himself enlarged:—That this Doctor hath made his Son Richard Craddock Registrar there, for which Place held gave the Bishop of Durham Five Hundred Pounds: That there were Two who fued to this Doctor for Letters of Administration, and he received of the one of them Five Pounds, and of the other Five Pounds and a Mare; which Mare carried away the Administration from the other: - That this Doctor, being one of the principal Men of the high Commiffion at Durham, took Ten Pounds apiece of Three Papists to remit them: - That, a Seminary or Popish Priest being taken, this Doctor had of one Kennet an Hundred Pounds Bond redelivered him, and was discharged of the Debt thereof, because he should not cause Search to be made after the said Priest's Escape:—That some Members of this House have attested, that the said Doctor is held a great Extorter, and one that carrieth a high Hand there where he liveth, and that he is a Man much defamed.

MR. Alford faith, that Dr. Lambe, Chancellor of the Diocese of Peterborough, ministred an Oath ex officio to one, who on a Sunday went to the next Parish to hear a Sermon, there being none at his own Parish; and the Effect of the Oath was to know, whether he were at his own Parish Church or no; and he made him pay for his Absence Three and Twenty

Shillings.

SIR Edward Cooke saith, that we can no more send for one of the Convocation House, than they may send for a Member of this House; but we are to send a Letter under the Speaker's Hand, certifying, that we have a Complaint against one of their Body, in a foul Business; and thereupon they will, without Question, send him to us. He saith, that one Solomon de Wroth about the 21 of Ed. 1. being a Judge

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in Kent, and a great Punisher of ecclesiastical Corruptions, was poisoned by a Priest. In Stat. 21. of H. 8. there is but Five Shillings due for the Probat of a Will.

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It is ordered by Question, that the Witnesses in the Business against Dr. Lambe and Dr. Craddock shall be examined, before we send it up to the Lords; and Order is given to the Speaker to send a Warrant for them with all Speed; and also for one Sibthorpe, and one Stot a Registrar at Northampton, who are likewise complained against.

# Tuesday, May 15.

A Note of divers Abuses practised by the Papists delivered to the House by one 70. Kendall, fometime a Papist, but now a Protestant. That one Austen Holcome, a Monk and a Priest, being taken and a Prisoner, was, for an Hundred Pounds, set at Liberty by the Pursuivants: - That Thomas Wilton, Keeper of the New Prison in London, did give the Print of the Key of this Prison Door to a Priest, whereby three Priests did escape: - That three Boys and Children, being taken going beyond Sea, to be in some Priory there, were by the high Commission Court, about Michaelmas last, released for Twenty Pounds in Money, on Bond, that they should not go beyond Sea; which yet they did contrary to their Bond, and are there now Friars. Therein are mentioned and named divers other Priests, who, being taken by the Pursuivants, were by them set at Liberty for Money; and divers also, that by the Goaler's wilful Negligence and Privity escaped out of Prison —That there were three Masses said every Day in fourteen Chambers in the faid New Prison: -That, when Search came to be made by Warrant from Secretary Naunton, for popish Books or Habits, the Keeper did give Notice of it to his Prifoners; whereby they conveyed away their Books and Goods.

# Wednesday, May 15.

L. 2. "An Act for the naturalizing of Sir Daniel De-"line, Knight, a Dutchman."

"An Act for the fettling of Lands on the cufto-"mary Tenants of Francis Earl of Cumberland, which "concern the Lands which were challenged by "Frances Lady Clifford, now Counters of Dorfet."

"An Act concerning Lands which the Lord "Aubigny, Earl of March, had by his Lady, "Daughter and Heir to the Lord Clifford, is re"turned from the Committee, and no Amendment "made; and so is reported and delivered up into the House." This Bill came first from the Lords of the upper House, and is at the third Reading passed our House also.

It is ordered, that the Committee for the Repeal and Continuance of Statutes shall meet; and also all the Lawyers of the House that have taken Pains

in that Business to attend.

It is ordered, that a Committee shall draw a Note of the Heads of all the Monopolies and Grievances that have been adjudged for Grievances in this House; and to present the same with a Petition to his Majesty, for Redress of the same.

"An Act for the new erecting and ordering of Inns."

By this no common Inn to be erected hereafter, but by an Order at the Affize or public Sessions; and the Clerk is to have for the same Order but Two Shillings:—That whosoever setteth up an Inn without such an Order shall be imprisoned. There is in the fore Part of this Bill a Recital, that the keeping of Inns by the common Law is a Trade.

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"An Act concerning Probat of Suggestions in L. 2. Cases of Prohibitions."

By this the Justices of Assize may take Probat of Suggestions, which are the Ground of Prohibitions.

[Vid. plus fol. 117.

Notice by a Message from us is, by Order of the House, sent to the Lords, that, since there is a good Space past, since we sent to their Lordships (amongst other Complaints) a Business against the Bishop of Landaff, a Member of that House, which, if it be proved, as it was affirmed in our House to us by one Damport, and as appeared to us by other Circumstances, the same, in our Opinion, cannot but deserve some exemplary Punishment; and, for that we have not heard from their Lordships any Thing concerning the Bishop of Landaff, as hath been accustomed, we thought good to put their Lordships in Mind, that we are resolved in due Time, by our Speaker, according to our ancient Right and Custom, to demand Judgment.

SIR Edward Sackville was our Messenger for to

deliver this Message.

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THE Lords, by a Message, have returned to us the two Bills which we sent them; the one concerning the free Trade of Welch Cloths, the other concerning the preventing of profane Swearing and Cursing: to which Bills their Lordships have added one Proviso apiece.

THE Proviso, which the Lords added to the Bill for free Trade of Welch Cloths, was presently read

in this House twice.

MR. Hackwell faith, that, by the ancient Course of Parliament, no Bill here ought to pass which hath not been thrice read; and, if the House think it so good, a Bill (which needs no Commitment) may be read the third Time, and then put to the Question for the passing.

This Proviso, concerning the Bill for free Trade of Welch Cloths, was so well approved of, as it was

read

read the third Time, and so by Question ordered to

be inferted into the Bill.

THE Proviso added by the Lords to the Bill against Swearing and Cursing was, that that Act should continue but till the End of the first Session of the next Parliament; and, being likewise thrice read, is also by Question resolved to be inserted into the Bill.

SIR Edward Cooke's Report concerning the Patent of Glaffes. He faith, that it was proved by three Witnesses viva voce, that the Invention of making of Glasses with Sea and Pit Coal was two Years used before the Patent was granted; and it was likewise testified by divers Certificates out of feveral Towns and Counties, that this Invention was Two Years before the Patent. He faith, the Law is, that a Man may have a Patent only for the fole making of a Thing which he hath newly invented, and he that hath this Patent invented only the making of this Furnace; and therefore he is by the Law to have only the fole making of fuch Furnaces, and not the fole making of Glass:- That the Clause in the Patent for the sole Exportation and Importation of Glass is also against the Law: That this Patent, in the last Sessions of Parliament, was adjudged a Grievance in the Creation and in the Execution: and Sir Edward Zouche was wife; he would meddle no more in it afterward; for he had learned, felix quem faciunt aliena, &c.

It is by Question resolved and adjudged in the House, that this Patent of Glasses, granted to Sir Robert Mansell and others, is a Grievance both in

the Creation and in the Execution.

SIR Ar. Ingram saith, that the Committee found the Warden of the Fleet to be a cruel, hard-learted Goaler; and all that know him say, that he is a crafty Fellow; and it is dangerous to let a Fellow pass, that hath a crafty Wit and a corrupt Heart:—That he will only say one Thing for to shew his

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Craftines—that, when the Committees sat at the Fleet, the Warden set a Man at a dark Window (where he could not be seen) to take Notes of all that then passed at the Committee; and some of the Committee having Notice of it, whilst they were sitting, did take this Man with his Notes, which were found to be the Heads of all that had passed amongst them. He desireth, that we will send a Report of him and his Cause to the Lords.

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SIR John Strangewayes saith, that it is the Voice of the Town, that the Warden of the Fleet hath removed a great Part of his Goods out of the Fleet, no Man knoweth to what Place; and it is therefore likely, that he will not long stay, after the Business against him shall be reported to the Lords.

MR. Hackwell faith, that, fince the Warden is fo crafty a Fellow, he would not give him any Occasion to calumniate this House; which it is likely he will do, if we commit him before we hear his Answer: and therefore he desireth, that he may be called in to answer, before we commit him to any Prison.

It is ordered, that he shall be called to answer to every particular Head of the Information, as the Committee hath conceived them in the Paper delivered to this House.

THE Warden of the Fleet, being called into this House and examined, faith, that he taketh the Fees which were fet down in the 3 of Eliz. and are confirmed and explained (by a Reference from the Lords of the Council) by the principal Judges that were in the 37 of Eliz, and that he observeth the same Order for his Fees, as near as he can; and, if he taketh more, it is in lieu of fomething which he giveth for it:—That every Prisoner that cometh payeth at his Entrance, which is a Dismission Fee, Seven Shillings: -That for Admittance a Yeoman payeth Five Nobles, a Gentleman and Esquire Five Marks, a Knight Five Pounds, a Baron Ten Pounds, a Viscount Fifteen Pounds, an Earl Twenty Pounds, a Marquis VOL. II. Gg Twenty-

Twenty-five Pounds, a Duke Thirty Pounds; but, of whom he received these Sums, he hath nothing the first Week for their Lodgings. To some Objections he answereth, that the Objections are so general, as that he cannot answer to them. He faith, that, if on occasion he remove a Prisoner to another Lodging, if the Prisoner will not take his Goods with him, then he is to fee the fame fafe; and in fuch Cases he taketh a Prisoner's Goods and layeth them up:—That he alloweth the Prisoners Fire and Victuals as good, and at as good Rates and Prices, as they can buy any in the Town for their Money:-That he letteth his Three Cellars for Two Hundred Marks per Annum; fo as he meddleth not with what Beer or Bread is there fold. He denieth, that ever he follicited for any Man to have Liberty to go 'abroad: but, when any one hath defired Leave to go abroad to compound for his Debts, then he hath spoken of it to some of such his Prisoners' Friends: and, if Writs have come, he hath obeyed them, as he is bound by the Duty of his Place. He faith, that by Means of fuch Liberty many Prisoners have compounded with their Creditors, who would otherwife have died in Prison; and many of these Prifoners have, when they have had fuch Liberty, fent him Discharges, and gone away without paying him his Fees:—That he knew not of any Differences between Sir John Whithrooke and Mr. Boulton: - That after they were together they lived fix Weeks in great Friendship, and fortified and consulted against this Examinant:-That the Reason, why he denied to let 'Scutcheons be put on Sir John Whitbrooke's Hearfe, was a Fancy which this Examinant had, that he deferved not to have 'Scutcheons on his Hearse or bear any Arms, who endeavoured to kill him, this Examinant, with a Hammer.

SIR John Strangewayes saith, that the Warden of the Fleet did confess to the Committee, that he knew of of to Mr

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MR. Fanshaw saith, that the Warden, it seemeth, did bear a great Spleen to Sir John Whithrooke; for, when he was first hurt by the Warden of the Fleet and his Men, Sir John Whithrooke's Daughter lay at his House, and did then complain, that her Father was hurt by the Warden and his Men, and that yet he was manacled, and fhut up close Prisoner, so as neither his Lady nor Daughter could come to him, till he had (in their Behalf) used some Means to the Lord Chancellor Bacon, for Leave for the faid Lady and Daughter to go to the faid Sir John Whitbrooke.

SIR Edward Cooke faith, that no Man is bound by the Law to answer to a general Charge:—That in 2 H. 4. numero 55 in the Rolls of that Parliament, on the like Complaint of a Warden of the Fleet, it was referred by the Parliament to the Confideration of the Judges; who did then order the faid Warden's Fees. He defireth, that the Warden may be ordered to get some to give their Words for his forthcoming, but would not have him yet committed.

MR. Hackwell faith, that it hath been refolved by Question in this House, that the Warden of the

Fleet is an Officer of this House.

It is ordered, at the Motion of Sir Edwin Sandys, that all the former Committee, for the Examination of the Warden of the Fleet, shall view the particular Complaints, and shall add to every general Head Six particular Instances of the most weighty; and then we to hear the Warden's Anfwer, and fo proceed accordingly.

SIR Edward Sackville reporteth, that the Lords faid, they have been so employed in great and weighty Affairs, that they have not yet had Leisure to go through with the full Examination of the Complaint against the Bishop of Landaff; but, now those Bufinesses are ended, they will proceed in it, and give

us an Account of it in due Time.

### Wednesday, May 16.

COMMITTEE. Concerning the Cinque Ports. THE Merchant Adventurers answer to the Complaint of the Cinque Ports, faying, that the Cinque Ports have not found any Shipping for the Service of the King in the Memory of Man :- That the Cinque Ports do only practife, in their trading, to deceive the King of his Custom: - That the Cinque Ports have no Merchants, but do defire a Liberty only for Interlopers to trade: - That they have a more an-

SIR Edward Cooke faith, that the Law is, that an ancient Charter is to be taken according to the an-

cient Charter than the Cinque Ports.

cient Allowance.

MR. Whitfield, of Council for the Ports, faith, that the Charter of the Ports is but a Confirmation of the ancient Customs and Liberties of the Cinque Ports: -That in the Year 1596 the Cinque Ports fent, by Queen Elizabeth's Command, Four Ships at their own Costs to Calais, which cost the Cinque Ports Five Thousand Pounds:—That in 1588 the Cinque Ports did fet forth Six Ships for the Queen's Service: -That one Man of the Cinque Ports, viz. Mr. Godfrey, findeth Five or Six and Twenty Men of Arms, and Three Light Horse.

MR. Skinner, Clerk to the Company of Merchant Adventurers, examined answereth, that the Six Ships, which the Cinque Ports did find in 1588, were of as many Tons, as all the Fifty-seven Ships which were wont to be; whereby we may judge, how small those Fifty-seven Ships were: - That the Merchant Adventurers' first Charter is dated in H. 4. Time: -That in the 1st. of the King, when Sandwich paid for Custom Two Thousand Nine Hundred Pounds, the Merchants of London did trade out of the Cinque Ports for the Conveniency of that Haven; and they

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were not the Merchants of the Cinque Ports that did trade fo much.

MR. Whitfield, of Council for the Cinque Ports, faith, that, after the Death of King John, Hugh de Burgo, with Forty Sail of Ships of the Cinque Ports, did discomfit a Fleet of Eighty Ships, that came him

ther to aid Lewis the Dauphin of France.

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5) THE Merchant Adventurers' Answer to the Petition of William Elwood, William Waad, and others, faith, that the Merchant Adventurers, understanding of Forty-eight White Cloths, which were by the Petitioners fent to Dover by Land Carriages, did by their Letter desire the Lord Warden to cause the faid Cloths to be feized; which his Lordship by Warrant did and on other Letters from them, that they would fee the faid Cloths forth-coming, his Lordship did by another Warrant fend the faid Cloths to the Company of Merchant Adventurers; who told Elwood, they purposed not to forfeit the said Cloths, but only to keep them till they could learn who are the true Owners of the faid Cloths; and to that End, and for that the faid Petitioners did violently take away the faid Cloths from the Carriers, to whom they were delivered to be brought up to the Merchant Adventurers; they, the faid Merchants, do now fue them in the Star Chamber.

SIR Edward Cooke saith, that there is no Law for any Man to seize any Cloths till they are water-borne; albeit it is most probable, that the said Petitioners had a Purpose to transport the said Cloths.

Skinner, the Clerk to the Company of Merchant Adventurers, being demanded what Law the Merchants had to seize the said Cloths, they not being water-borne, answered, they had no Law to seize them, but did it by a Warrant from the Lord Warden.

Thursday,

inductions that did

#### Thursday, May 17.

L. 2. "AN Act to make Void a Decree made in the "Chancery, on the Behalf of Francis Verslin, against "Jacob Verslin and Peter Manning." [Committed.

"in the Counties, &c. on John Mohun, Esquire, according to an Agreement made by his Father

" Sir Reginald Mobun, on the Marriage of the faid

"Mr. John Mohun with the Lady Ashton."

[Vid. plus, fol. 157.

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Sir Jo. Davies, the King's Serjeant, saith, that this Bill is put into this House without the Consent of Mr. John Mohun, and to the Overthrow of the Inheritance of the said Mr. Mohun, and the Jointure of the Lady Ashton, his Wife, contrary to the Title of the Bill:—That Sir Reginald Mohun, at the Importunity of a Stepmother, to defraud Mr. Mohun his Son and Heir, did make Seventy antedated Deeds; whereof some bear Date before the Birth of some of Sir Reginald Mohun's younger Children, to whom the said Deeds are made; and other Deeds are as granted by Sir Reginald Mohun, by the Name of Knight and Baronet, and yet they bear Date a Year before he was made Knight and Baronet. He desireth, that therefore it may be cast out.

[It is committed,

It is the Order of the House, that the Clerk ought not to write down any Member for to be of a Committee, who hath spoken against the Body of a Bill, albeit he should be named by a Member of the House.

SIR Edward Cooke saith, that there are already Nineteen Patents of Monopolies here condemned for Grievances both in the Creation and in the Execution.

MR.

Mr. Hazard saith, that there is a Monopoly of Gold Weights; and, albeit it be not by a Patent, yet is by a Proclamation, and a great Grievance.

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MR. Crewe defireth, that all those Patents and Monopolies, which were condemned at the last Convention, may be considered of by the Committee, which is appointed to collect the Heads of all Grievances already here condemned, that they may be all presented together to the King by Petition.

It is ordered, that the old Committee, appointed for the collecting of the Heads of all the Monopolies, long fince at the Convention condemned for Grievances, shall join with the other Committee for that Business, and shall consider of Mr. Crewe's Motion.

It is ordered, that the Proclamation and Monopoly for Gold Weights shall be likewise considered of by the Committee which is to consider of the rest of the Grievances. This Monopoly for the sole Sale of Gold Weights is, by Proclamation, granted to Sir Edward Villars, Master of the Mint.

REPORT of " An Act against the Importation of "Corn." [Vid. plus, fol. 122.

MR. Towerson saith, that this Bill is a dangerous Bill, and will destroy the Navigation of the Kingdom, and the Merchants of the Kingdom.

MR. Bateman saith, that the States of the Low Countries have a Staple of Corn, whereby they furnish all Countries with Corn, albeit they have none or very little grown in those Parts; by which Means they set their Ships on Work, and it hath made that Nation of any other most strong in Shipping and Navigation. He desireth, there may be a Staple of Corn here, rather than a Prohibition of Importation; for such a Staple will set our Ships on Work, and so strengthen this Kingdom.

SIR Dudley Digs faith, that, if we bar the Importation of Corn when we have no Need of it, we

fhall

shall not have it imported when we want it. He defireth, that it may be recommitted. For the other Part of it, whereby Liberty is given to all Men to engross Corn, when it is at a certain Price mentioned in the Bill, he approves of it; for such engrossing will take Corn off from the Farmer's Hands, and make him able to pay his Rent, and yet not unfurnish the Kingdom.

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SIR Edward Cooke saith, he never heard of any Bill that was ever preferred in Parliament against the Importation of Corn:—That he loveth to sollow ancient Precedents:—That he thinketh this Bill speaketh Dutch, but it is certainly for the Behalf of the Low Countrymen. He desireth the Bill may be rejected.

SIR War. Heale would have it expressed in the Bill, that no Corn may be imported but in English Bottoms, for that they are the Dutchmen for the most Part, that do import all the Corn hither.

MR. Alford faith, that this Bill treads the Steps of a Statute of Ed. 4. albeit a great Lawyer (meaning Sir Edward Cooke) faid otherwise: - That London will beggar the whole Kingdom; for the Londoners and Merchants have raised the Prices of all foreign Commodities to a great Rate, and yet all our Country Commodities were never fo cheap, as now are Wool, Cloth, Corn, and the like; and they will engross their Merchandise, and have our own native Commodities at their own Prices. He faith, that on Notice and Examination himself and some others, perceiving a fudden Fall of the Prices of their Corn in Essex and Sussex, came to London and found out, that the London Merchants did practife with the Bakers of London to buy no Corn of the Countryman, but only such as the Merchants should import, to the Overthrow of the Country; but the Bakers, though they were fairly offered by the faid Merchants, stood off so long till the Merchants found

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their fecret plotting was discovered, and so that wicked and covetous Design was issueless.

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MR. Drake saith, that, whereas it is said, that the Poor will starve for Want of Corn, if it be not lawful to be imported at all Times, he knoweth that in Devonshire (where there is Scarcity of Corn) the Poor complain of the Cheapness of Corn; for now the Farmer will not set the poor Husbandman and Labourer to Work, because he can get nothing for Corn, whereby the Poor are like now to starve in a Time of Plenty, for that they want Work, and can earn no Money.

[This Bill is recommitted.

#### Friday, May 18.

"AN Act for the indifferent Hearing of Causes L. r. in all Courts of Justice."

By this Bill peremptory Causes are to be first heard before any other, and for Motions Council is to be heard in Order: First, the King's Council, then the Prince's, then Serjeants at Law, next Readers, and afterwards such other Lawyers as they come first to the Bar; and the Registrar is to deliver to the Judges in Court all the peremptory Causes set down for that Day.

SIR George Moore's Report, from the Committee of Returns and Privileges. Saith, that there was Complaint by one Mr. Ogan against one Mr. Lewis Powell (being a Burgess for Pembroke, and having sat in Parliament ever since the first Beginning of this Parliament) affirming, that the said Mr. Powell was not duly elected Burgess for that Town, for that the Out-Burgesses there had not their Voices allowed them (they being in Number an Hundred and Sixty Burgesses and above) which of ancient Right and Custom they ought to have had:—That the Opinion of the Committee was, that, because the Out-Burgesses had not their Voices allowed them in the Election of the said Mr. Powell, and for

that he was elected only by the Burgesses of Pembroke, his Election is void; and, because there was no other Burgess returned, the Committee thought sit that a new Writ should go for the Election of another Burgess, and that the Out-Burgesses should have Voices in the said Election.

SIR Samuel Sandes saith, that, by Reason that the Fault of the Election of Mr. Powell is laid to the Mayor, and no Matter of Fact or Fault is laid to Mr. Powell, he would not have Mr. Powell's Election judged void, till both himself and the Mayor

of Pembroke were heard.

IT is ordered, that Mr. Powell shall be heard, and

Time is given for him to answer.

SIR George Moore farther reporteth, that it was alleged to the Committee, that Hertford in Hertfordspire, Amersham, Wendover, and Marlow in Buckinghamshire, did all four of them send Burgesses to the Parliament in the 1st. of Ed. 1. and 26th of Ed. 3, the Parliament being then held at Lincoln, York, and other Places:—That the Elections of Burgesses for to serve for the said Three Towns in Bucking bamshire were consirmed by general Words in Queen Elizabeth's Time, and in this King's Reign:—That Vaughan complaineth in the Star Chamber against Sir
Ja. Price, for that the said Sir Ja. Price (as Vaughan saith) was unduly returned.

It is ordered by the House, that the said Vaughan shall be sent for to answer his Contempt to this House, in complaining in the Star Chamber, in a Cause which concerneth a Member of this House, touch-

ing an Election of a Member of this House.

A Message from the Lords, that, fince we referred the Judgment of Floid to their Lordships, they, understanding that we have a Trunk of Writings of the said Floid's, wherein may be something to aggravate his Fault, do desire that we will send the same to the Clerk of their House to be opened, that the Writings therein may be looked into.

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(contrary to the Agreement between us and their Lordships, on the Protestation entered in both Houses) that we had referred the Judgment of Floid to their Lordships, we returned Answer, that we would send Answer to their Lordships' Message by some Members of this House.

Whilst we were in Debate what Answer to fend

to their Lordships' Message,

ANOTHER Message came from the Lords, by the same Messengers they first sent, that their Lordships taking Notice of the first Part of the Message they last sent us, do now (to take away all Scruple) send to acquaint us, that the said first Part of the said Message was mistaken; and the Essect of their Lordships' Desire is, to have the said Floid's Trunk, that they may look into the Writings in it.

Answer to this second Message is given, that the Trunk shall be sent up to the Lords (as their Lordships desire) to be disposed of as their Lordships shall please. And accordingly the Trunk and Key were both sent to their Lordships by the Serjeant of our

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REPORT of "An Act of free Liberty for the buying and felling of Wools within this King- dom." [Vid. plus, fol. 191.

This Bill is ordered to be engrossed, after long Debate, whether the Clothiers should have the Preemption of Wools for one Month; wherein at Length it was thought fit, that they should not have the Preemption.

REPORT of "An Act against the Importation of "Irish Cattle." [Vid. plus, fol. 122 and 172.

SIR Jo. Davies, the King's Serjeant at Law, faith, that the principal Commodities of Ireland are Cattle; their Wool is but coarse, and, if we bar the Importation of Cattle from thence, we shall impoverish

rish that Kingdom, and discourage Men to use Husbandry and Tillage there, and so by that Means reduce that Country again to Barbarism :- That no Money is current in Ireland, but English Money; and they there may not coin, neither is there there a Mint for Coinage of Money, as there was in the Reigns of King John and King Ed. 4.—That, if we will bar Cattle to be imported thence hither, and do not petition the King that there may be there a Mint for Coinage of Money, or else Spanish or other foreign Coin current there, all the People who are now planting in those Parts will soon leave the Kingdom:—That he hopeth we will not deal worse with Ireland, a Member of this Crown, than we do with the Low Countries; who carry away infinite Sums of Money for their Frizeland Horses, which are used here for Coaches, and almost no other Horses:-That neither Spain nor France, nor any other Country, will receive their Irish Cattle, and those Countries are so far off, that they cannot fend Cattle thither.

A Message from the Lords, that they are purposed this Day to adjourn their Sitting, till Thursday next, at Nine of the Clock; whereof, in Respect of the good Correspondency between the two Houses (whereof their Lordships desire a Continuance) they thought sit to give us Notice, before they do adjourn the same.

Answered, that we will fend their Lordships an

Answer by some Messengers of our own.

HEREUPON we sent a Message, by some of our own House, to give their Lordships Thanks for their kind Message, and to acquaint their Lordships, that we will also adjourn our sitting this Day, till the same Time their Lordships have appointed to sit again.

MR. Alford moveth, that the Irishmen may not export our Sheep, for that they do transport our Wool out of Ireland into foreign Countries, and sell it, by Reason of the Cheapness of their Grounds,

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at easier Rates than we; and do also thereby furnish other Countries with Wool, whereby they set Foreigners to make Cloth, and so hinder the Sale of our Cloth; and, though the Wool in Time grow coarser there, yet it doth not so till Sheep have been in Ireland Two or Three Years. He desireth a Care and Consideration may be had hereof, and that we may rather have a Care to hinder the Exportation of Money than the Importation of Cattle.

THIS Bill is recommitted to be fat on on Thurf-

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It is ordered, that all Committees shall stand accordingly as they were heretofore ordered.

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THE Parliament is adjourned till Thursday next, at Nine of the Clock, and all Committees are to continue in the mean Time.

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# Apres la Cessation de Pentecoste.

# Thursday, May 24.

"A N Act for Confirmation of several Decrees made in the Court of the Dutchy of Lan"caster, for and concerning certain Copyhold Lands and Tenements, Parcel of the Dutchy of Lancaster, and for the establishing of the Copyhold Estates and Customs of his Majesty's Tenants of

"the faid Dutchy of Lancaster, and for confirming of the Estates of the faid Tenants in certains

"Wastes, according to several Decrees made in the faid Court of Dutchy."

L. r. "An Act for the Abbreviation of Michaelmas "Term."

By this two Returns of the faid Term are taken away, and the first Return of the faid Term is to be Tres Michaelis, and the Term is to begin that Day Fortnight which it did before.

"AN Act for the Explanation of one Proviso or Clause in the Statute of 13 Eliz. entitled, An Act for the preventing of the defeating of Dilapidations, &c."

MR. Crewe faith, that this Bill tendeth only to the End of some particular Persons; as namely, a Suit depending between Sir Jo. Trevor, and Mr. William Askue, and will not reach to do any Good for the future; for there is [not] scarce one Lease in England which is of that Nature, as is that which is in Difference between Sir Jo. Trevor and the said Mr. Askue.

SIR Edward Cooke faith, that this Bill tendeth only to a Suit which is depending, as hath been faid; is prejudicial to the Church and Colleges, and doth open a Way to divers Inconveniences, and would therefore have it thrown out.

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THIS Bill is by Question rejected.

SIR Robert Phillips, by Reason of the short Time we are here to sit, doth desire, that the most general Public Bills may be proceeded with Expedition; for that he thinketh, that, by Reason of the great Business of the Lords, their Lordships will not have Leisure to pass above Twelve Bills this Sessions; and therefore he desireth (if it may stand with Precedents) that there may an Act pass, that all such Bills, as are this Sessions twice read or engrossed, may be continued or proceeded on at the next Meeting of the Parliament; and also, that the Grievances may be proceeded with in some Course, for the expediting of the most general of them.

It is ordered, that the Committee appointed for the Drawing of a Petition to his Majesty, for the Ease of the Grievances here complained of, shall

meet on Saturday next.

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REPORT of " An Act for the further Reforma-

" tion of Jeofailes."

This Bill was penned by the Judges, who have had a special Care of it, and it tends to the Reformation of Errors after Verdict. [Vid. plus, fo. 12. [To be engrossed.]

REPORT of "An Act for the further Description" of a Bankrupt, for the Relief of Creditors, and "for the inflicting of Corporal Punishment on Bank-"rupts in some Cases." To this Bill is added, that it may extend to Scriveners.

SIR Edward Mountague desireth, that this Bill may extend to Country Farmers also, for that there are some Two or Three Farmers near him, who broke as Bankrupts this Year for Three or Four Thousand Pounds; and there is no Remedy to be had against them.

SIR Henry Poole moveth, that Denizens and Strangers may also have Benefit against Bankrupts, by Virtue

Virtue of this Statute; for otherwise it will discou-

rage Strangers to trade with us.

MR. Kettleby saith, that we have no Remedy against Strangers or Denizens, for they convey their Estates beyond Sea; and therefore he thinketh it not fit, that they should have any Benefit by this Act.

SIR Edward Cooke faith, that he thinketh that this Act is well changed from Felony; that there are many Things to be amended in this Bill, and there-

fore he defireth to have it recommitted.

SIR Robert Crane saith, that in Suffolk the Clothiers have lost, within these Five Years, above Sixty Thousand Pounds by Bankrupts. He desireth, that this Bill may be expedited by the Committee, for it is a great Hindrance to Trade.

It is ordered, that this Bill shall be recommitted. A Message from the Lords, that their Lordships desire a Conference this Afternoon, touching the Bill of Certiorari, and that concerning the Sabbath: their Number is Forty; and do desire, that our Committee may be proportionable, and that it may have Power (if Occasion be) to make a Sub-committee. With this Message their Lordships sent us Four Bills.

ANSWER is, that we will meet their Lordships for a Conference at the Time, and with the Number and

Power as is defired.

REPORT of "An Act for the free Liberty of "Fishing on the Coasts of America."

Mr. Neale faith, that by this Bill all his Majesty's Subjects of any his Dominions have Liberty to fish; and therefore the Inhabitants of the Bermudas (as Mr. Guy did allege) are not prejudiced to fish, nor to have Ground for the drying of the Fish they there take: but the Truth is, the Inhabitants of those Parts do rarely fish there, or not at all; but do only at the Season of Fishing, and before any Ships come there for Fishing, set up Booths for Foreigners, to whom they let them for Money, but never use them themselves;

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themselves; and so those of this Kingdom who come thither cannot have Place to dry their Fish in.

SIR Edwin Sandys faith, that this Bill restraineth only fuch as restrain our own Countrymen, and give Liberty to Strangers (who give most for their Booths) to fish.

Mr. Delbridge defireth, that those of that Country may be restrained not to fell their Fish to any others than those of this Kingdom; for now they fell their Fish to Strangers, and hinder our Fishermen.

THIS Bill is to be engroffed.

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#### Thursday, May 24.

AT the Conference with the Lords.

THEIR Lordships did desire to alter in the Title of the Bill for the Observation of Sunday; and, where it was expressed for the better Observation of the Sabbath Day, commonly called Sunday, their Lordships would have the Word Sabbath left out, and that it should be for the Observation of the Lord's Day, commonly called Sunday: Their Reason was, because People do nowadays so much incline to take hold of Words of Judaism, as did lately Traske and his Adherents; and for that also Sunday is, in the Scripture, frequently called the Lord's Day.

THAT for which their Lordships desired Conference touching the Bill of Certioraries, are fome Things which others, not their Lordships, have objected against the said Bill; and, because their Lordships defire to preferve a good Correspondency with us, they have delivered it to us in Writing, that it may be considered of by the Sub-committees of both Houses, who are appointed for the fame, that the fame may

be either answered, or the Bill amended.

# Thursday, May 24.

COMMITTEE at the Lower House of Parlia-

VOL. II. Hh ConConcerning the Cinque Ports, and the Mer-

chant Adventurers, and the Londoners.

It is alleged by Mr. Hendley (of Council with the Merchant Adventurers) that many of the Cinque Ports have been free of the Company of Merchant Adventurers, and that, when they of the Cinque Ports did trade and kept so many Ships, they were set on Work by the Merchant Adventurers, and not by those of the Cinque Ports:—That those of the Cinque Ports cannot shew by Charter or Prescription, that any of them, unless they were of the Company of Merchant Adventurers, did ever trade into those Parts of the Low Countries, as the said Merchants now do by their Charter, which is as ancient as that of the Cinque Ports.

The Council of the Cinque Ports answer, that the Cinque Ports have traded into those Parts of the Low Countries, which the said Merchants now do bar them of:—That in 1596 the Cinque Ports did set forth Four Ships for Cadiz Voyage, and maintained them Five Months at their own Costs, which cost them above Five Thousand Pounds:—That in 50 Ed. 3. the Cinque Ports were said to have Dominion of the

Seas.

THE Council of the Merchant Adventurers fay, that, if they should shew the Service which the Company of Merchant Adventurers hath done for this Kingdom, they would not doubt to carry the Cause; but the Question now is of the Right of each other's Charge and Claim.

THE Cinque Ports shew, that they have traded into divers Places in the Low Countries; and to prove it they shew, that they have sent Writs of Withernam to Newport in Flanders, to Dunkirk, to Flushing, to

Calais in France, to Caen in Normandy.

THE Merchant Adventurers' Council fay, that the Cinque Ports shew not, that when the Writs of Wibernam were sent to these Places, that then the Merchant Adventurers did trade in the said Towns; neither cha Con tran cha the

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neither do their Withernams express, for what Merchandise those Writs were sent; whether it were for Corn or the like, which the Cinque Ports do now transport without the Hindrance of the said Merchants: so as these Writs make nothing for those of the Cinque Ports.

Vid. le Stat. de 12 H. 7. touching the Cinque

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SIR Edward Cooke faith, that a Non obstante in a Patent cannot dispense with a Statute, but it may dispense with the Penalty in a Statute.

# Friday, May 25.

"An Act for Confirmation of an Exchange of L. 1.
"Lands between the Prince's Highness, and Sir
"Lewis Watson, Knight."

"An Act concerning Fees to be taken in Eccle- L. 14 fiastical Courts."

By this no Bishop, Chancellor, Suffragan, Registrar, Archdeacon, or any other Judge or Officer of any Ecclesiastical Court shall take any greater Fees than were set down in 39 Eliz. by an Act, on Pain of Forseiture of Ten Shillings for every Penny so taken above the said Fees; the one Moiety thereof to be paid to the King, the other to the Party grieved that will sue; and this to be recovered at the Assize or Sessions where such Exactions have been made: And that a Book in English shall be printed of all the Fees expressed in the said Statute of 39 Eliz.

" An Act for the better granting of Administra-" tions, and the disposing of the Goods of the In-" testate, and for the better employing the Money " for Commutation."

By this no Administration is to be granted within Ten Days after the Death of the Intestate:—That the Administration shall be granted to the Wife, if she be not eloped, or to her and the Children:—

Hh 2 That

That all Money for Commutation shall be employed, within one Year after it is received, to pious Uses.

L. 2. "AN Act against the secret receiving of Pensions or Gifts of any foreign Prince or State."

[Vid. plus, fo. 179.

MR. Edward Spencer would have no Ambassador receive any Pension or Gift till he be on his Way homewards; and also, when he is returned, he should submit and lay the same at the King's Feet:—That there should be a Proviso in this Bill for the Followers of Ambassadors.

SIR Edward Cooke saith, that no Subject ought to confer with any foreign Ambassador without Leave; and, if they do, there are Records to shew, that they have been soundly punished:—That one Spencer, a Bishop, being sent a General into France, was punished for taking of a Pension of a foreign Prince; and there are also Records of divers others that have been punished for receiving of Pensions of foreign Princes.

" An Act for Limitations of Actions, &e."
[Vid. plus, fo. 8.

SIR Henry Poole faith, he holdeth this Bill to be a fruitless Bill, and that it performeth not what it promifeth; which is to prevent Multiplicity of Suits:—That he is told there are not now Two Writs of Formedon depending in any Court; and we ought not to alter an ancient Law, but upon good and urgent Occasion. We may not enter on any Land which the King holdeth; and so, if the King have our Land in Possession, and hath so held it Twenty Years, then the Subject must lose it :-That, if a Man be branded with Infamy here, whilft he is beyond Sea, and return not till after Two Years are expired, he may not (after fuch Time) by this Law redeem his Reputation or Honour; and, though ignorantia juris non tollit peccatum, yet ignorantia

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rantia facti doth: - That the Family of the Nevills have Twenty Thousand Pounds per Annum tied by Entail on the Heirs Male of that Family, and some of these Lands may fall and be concealed, so as they may not know of their Right to the fame in Twenty Years; which if it do, they are, by this Bill, de-

prived of their Remedy.

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MR. Thomas Crewe faith, that the Formedon in Reverter, and that in Remainder, are both limited by the Statute of 32 H. 8.—That, whereas it is alleged, that it is an Honour to preferve Entails, all know that they are cut off by Recoveries and levying of Fines:—That this Bill giveth Liberty to all Men to fue, after they return from beyond Sea:— That, if an honourable Person be defamed, if the Party offended lue not the other within Two Years, then it is fit to have them smothered:--- That this Bill had a good Passage the last Convention, and he holdeth it to be a very good Bill for the Commonwealth, but not for the Commonwealth of Lawyers.

MR. Recorder of London faith, that a Fine, levied Five Years after Proclamation, cuts off any Entail; and this Bill gives a great deal longer Time for a

Man to fue for his Right.

MR. Sollicitor faith, that by this Bill all Actions of Account are to be brought within Six Years; that many Times Merchants cannot fue their Factors

within fo short a Time.

MR. Bateman faith, that, when their Factors are beyond Sea, Merchants cannot call them home when they would; for they will pretend that the Estate of their Master is abroad, and that, if they return in fo short a Time, they shall lose a great deal of the Merchants' Estates who trusted them; and, if that a Merchant should then sue his Factor, he should then lose much by it.

SIR Edward Cooke faith, that in 34 Ed. 3. all Men were fet at Liberty to fue without Limitation:-That the Statute of 4 H. 7. limited Suits to be Hh3 brought brought within Five Years: and the Common Law was, that an Action must be brought within One Year:---That he would have added to this Bill, for Remedy to the Exceptions taken by the Merchants, that all Accounts should be limited, except such as arise beyond Sea by Trade of Merchandise: - That, for the Family of Nevill, when Fines are levied of those Lands of Twenty Thousand Pounds per Annum (which was tied on the Heirs Male of that Family) within Five Years after their Right doth fall; and so they are not at all prejudiced by this Bill.

It is resolved, that it is an ancient Order, that a Bill may be amended at the Table here in the House, whilst the House is sitting, albeit the Bill be en-

groffed.

IT is by Order of this House added to this Bill (for Remedy to the Exceptions taken by the Merchants, who fay, that Six Years is too short a Time limited for the bringing of Actions of Accounts) and these Words are inserted to that Clause, viz. " other than fuch Accounts as concern the Trade of

" Merchandife, between Merchant and Merchant,

" their Factors or Servants." \*

" An Act for the Restraint of the inordinate Use " of Tobacco." +

"An Act concerning the Transportation of But-14 " ter made and to be made in the Dominion of

" Wales, and County of Monmouth." 1

THIS Bill reciteth, that there are Two Patentees which have gotten a Patent to transport Three Thousand Barrels of Butter, and that they have in their Patent a Prohibition to all others. Now this Bill is, that Butter may be transported by all Men, when Butter is in Summer at Threepence the Pound, and in the Winter at Fourpence the Pound, fo as they pay to the King all Customs due to his Majesty;

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<sup>1</sup> These Bills have been read thrice, and are passed our House.

ty; which is more than was paid to the King by the Patentees, who gave for Cuitom but Two Shillings of every Barrel.

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MR. Charles Price faith, that they of Wales have not Six Ships in all the Creeks of the Sea thereabouts, and have no Means to transport Butter, but by the Ships of Bristol, and the Parts of Devonshire:—That the Counties of Monmouth and Glamorgan do yield yearly Twelve Thousand Pounds worth of Butter.

"An Act against such as shall levy any Fine, L. 3. "fuffer any Recovery, acknowledge any Statute, "Judgment, Recognisance or Bail." [Vid. 2<sup>d</sup>. fo. 146.

By this, that he that shall do any of these Things shall suffer Death as Felons, but it shall be without Taint of Blood, or Forseiture of his Goods, or his Wife's Dower. \*

" An Act concerning the Purveyance or taking L. 31 of Horses, Carts and Carriages, by Land or by Water." [Vid. plus, fo. 124.

By this the Purveyor is to have a Commission under the Great Seal, &c. That no Man shall be constrained to serve with Oxen above Ten Miles, or with Horses above Twelve Miles, unless he will do it voluntarily. †

MR. Sollicitor saith, that this Bill takes away the King's Prerogative for his Purveyors:—That he thinketh, that the King will not like that the Justices of Peace shall alter the ancient Rates, that the King hath used to pay for Carriages: and, if the Purveyors make Default of Payment for his Majesty's Carriages, then the King by this Bill is punished; for by this Bill it shall be lawful for any Man to refuse to serve the King, till he be paid. He wisheth, that the Gentlemen, who serve for their Country, would have a Conference with the King's Officers of the Green Cloth; whereto his Majesty hath said, in his

<sup>\* †</sup> These Bills have been read thrice, and passed our House.

Hearing, that he would give Order to his Majesty's said Officers to confer with them, and to take such a Course, as may be for the Ease of the Country,

and his Majesty's Service.

SIR William Fleetwood saith, that in 33 H. 6, when a Bushel of Wheat was sold for Twelvepence, the King paid Twopence a Mile for Carriages:—That no Prerogative may extend to take away the Hire of the Labourer, which is due both by the Law of God and Man:—That, if Justices of Peace set Prices too high, his Majesty may put the Justices out of Commission the next Year, and have new Prices rated:—That by this Bill the Authority of the Green Cloth (if they have any) is not prejudiced:—That it is reasonable, that a Man should not work again, till he have his Hire; and that Clause is only set down as a Means to get the poor Men their Wages.

MR. Ravenscroft saith, that his Cart was taken to go Thirty-five Miles for the King's Service,

### Saturday, May 26.

By this, if any shall give any Reward to be Serjeant at Law, or to come to any Place of Judicature either temporal or ecclesiastical, such Place shall be ipso facto void.

"An Act for continuing and reviving of divers "Statutes, and repealing of divers other Statutes."

By this Act there are about Seventy-five Acts repealed, and [..., ...] Acts continued.

[Vid. plus fol. 196 and 197.

L, 3. "An Act for the free Liberty of buying and felling of Wools." \* [Vid. plus, fo. 187.

\* Passed our House.

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which King fomet who j And, A Proviso which is brought in Parchment, when a Bill is at the Third Reading, may by the House be admitted of, and added after it hath been thrice read.

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Mr. Berkley, touching the Bill for free buying and felling of Wools, faith, that Ed. 3. first brought and established the making of Cloth in this Kingdom:—By 5 Ed. 6. the Staple of Wool was brought to Calais, whereas before it was at Liberty to buy and fell Wool in all Places of England:-By 14 R. 2. none but those, who converted Wool into Yarn or Cloth, could buy Wool: - That, if this Bill pass, it repealeth divers Laws, and many other Laws, that are Dependancies on fuch Laws as this doth repeal; and this Law doth particularly repeal the Act for the true making of Cloth: -The End and Aim of this Bill is to bring Wool to a good Price, which will make Cloth of an high Price; and we have by divers Examinations found, that the high Rate and Prices of Cloth is the Reason we cannot sell our 2)Cloth beyond Sea, for they there make Cloth better cheap than we can fell ours: and, if we raise the Price of Wool and so of Cloths, we shall not vent our Cloth beyond Sea, and then will the Prices of Wool fail; and so we shall miss of our End, which we hope for by this Bill.

MR. Neale. Mutata legis ratione mutatur & lex: that those of Devonshire, where there is the most making of Manufactures of this Kingdom, have no Wool, but what the Brokers bring thither to them.

MR. Thomas Crewe saith, that, for the Statute of 5 Ed. 6. it beginneth with a Preamble, that it is convenient for the Commonwealth, that Wool should bear a high Price; which sheweth, that the Law which should follow would never be good for the Kingdom; and this Statute was never used, but sometimes as a Snare, for the Ends of those Staplers who procured it, and was never held but as a Snare. And, for the Statute of 14 Rich. 2. it suited well

with those Times; but the Reason of the Law is altered, and therefore the Law itself should not stand.

SIR Edward Cooke faith, that this Bill confidereth the Wool Grower, the Converter, and the Merchant; and they are all to be provided for, for they cannot stand the one without the other:—If the Commodities of this Kingdom be divided into Ten Parts, Nine out of those Ten Parts arise out of Wool: - That Lord Chief Justice Popham, an excellent Commonwealth's Man, faid and shewed it by Demonstration, that the Abatement of Twelvepence out of a Tod of Wool, is out of the Commonwealth's Way and Profit above an Hundred Thoufand Pounds:—That Letters were written by the Lords of the Council to all the Judges of Affize of England, to enquire in their Circuits, whether the Appropriation of Wool would be for the Benefit of the Commonwealth or no; and all of the Judges certified to the faid Lords, that the Appropriation of Wool would be a great Prejudice and Loss to the Commonwealth.

THE Five Bills which paffed this House Yesterday, and this Bill of Wools, One other concerning the Prince's Tenants of Richmond Fee, &c. One touching the Lord Montague, and One concerning the Lord Wentworth and his Tenants, are all of them sent to the Upper House to the Lords there, this Day, by the Lord Cavendish.

REPORT of "An Act against Transportation of Wool." [Vid. plus, fo. 118 and 1th. fo. 146,

SERJEANT Davies saith, that the Reason, why the Judges in the Upper House in Ed. 3. Time were ordered to sit in the Parliament House on Wool Sacks, was to put them in Mind that Wool was the Support of this Kingdom:—That the Statute of 8

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<sup>\*</sup> This Bill for the free Liberty of buying and felling of Wools is thrice read, and passed our House,

Eliz.

Eliz, makes it Death to transport Sheep; and the Reason that there was set so high a Punishment in that Statute was, that the Breed of our Sheep (because of their fine Wool) should not be had beyond Sea, for that might prejudice the Sale of our Cloth; for the Body of our Sheep are no better than those are which they have beyond Sea. He thinketh it very convenient and agreeable to that Law of Eliz. that it should be Felony to transport Wool.

Bill is to be engroffed.

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THE Lords of the Upper House of Parliament did, this 26th Day of May 1621, censure Ed. Floid, whom before we of the Lower House had censured; but their Lordships called not us to demand Judgment (as in other Cenfures, on Businesses whereof we have informed them, they used to do) because we had before given Judgment on the faid Floid: and, whereas many thought the Judgment and Sentence we gave on him was too great, their Lordships have laid on him a heavier, viz. " That he shall be de-" graded from his Gentility, ride on Monday next " from the Fleet to Cheapside on Horseback without " a Saddle, with his Face to the Horse's Tail and " the Tail in his Hand, and there to stand Two " Hours in the Pillory, and then to be there brand-" ed in the Forehead with the Letter K:-That on. " Friday following he shall ride from the foresaid " Place in the same Manner to Westminster, and there " stand Two Hours more in the Pillory, with Words " in a Paper in his Hat shewing his Offence:-To " pay for a Fine to the King the Sum of Five "Thousand Pounds, and to be a Prisoner in New-" gate during his Life."

### Monday, May 28,

" An Act for affuring the Manor of Upton Min- L. 20 " fter in the County of [ . . . . . . . ] to Sir " Ant. Auger and Sir Roger James, and Eliz. de la

" taine, being late the Lands of [...] Frith,
" a Scrivener of London, according to a Decree in
" the Chancery."

[Vid. plus fo. 149.

Mr. Hackwell saith, that it hath not been heretofore the Use to have cross Bills preferred in this House, and rarely a Bill to confirm a Decree in the Chancery; but only to reverse a Decree, because there is no Court but that of the Parliament to appeal unto. He therefore desireth, there may be no more of the like Nature admitted.

MR. Alford saith, that the first Cross Bill that was preferred into this House was in a Cause between Arundel and Arundel of the West Country. He defireth an Order may be made, that no Cross Bills

may be admitted here hereafter.

Dr. Googe faith, that, if a Cross Bill may not be admitted, then, if the Party who doth the Wrong do first prefer hither his Bill, he preventeth the Party grieved of his Remedy.

THERE is no Order made herein.

By this Horse Bread is to be made by Bakers only, and in Towns where Bakers are; and that the Hostlers shall take but reasonable Gains on the Oats or Hay, and that they shall take nothing for Litter for Horses.

This Bill was twice read this Morning, because it should be committed to the same Committee to be considered of, as the Bill concerning the new erecting and ordering of Inns is. And both those Bills are accordingly committed together.

" An Act against the Importation of Corn, when it is at certain Prices mentioned in the said Bill,"

BECAUSE this Bill could not be agreed or proceeded with by the felect Committee appointed to consider of the same, it is now ordered and referred

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[Vid. plus, fo. 122 and 185.

"An Act for the better fecuring of the Subject from wrongful Imprisonment and Deprivation of their lawful Trades, according to the 29th Chapter of Magna Charta." [Vid. plus, 1th. fo. 146.

SIR Edward Cooke saith, that it is against the Books of the Law, that the Privy Council should be restrained:—That there ought to be Six of the Privy Council to commit any Man:—That in 33 H. 6. it was resolved, that Two Privy Counsellors might commit pro rebus regem in sum tangentibus:—That it will hinder the finding out of divers Mischies both of State and Commonwealth, if the Mittimus must contain the Cause of every Man's Commitment.

SIR George Newman saith, that the Judges have ofttimes Cause to commit for Contempt in the Court, and that is by this Bill barred:—That this Bill overthroweth the High Commission Court. He desireth this Bill may be recommitted.

MR. Alford faith, he shall give his Consent to have excepted out of the Bill such Matters as concern the Weal of the State; but, if Patents and Monopolies and the like be accounted Matter of State, and that that should be excepted out of this Bill, then pereat Respublica; and let the Bill be thrown away, and all of us be Villains again.

It is recommitted, and every one is to have Voice, that will come to the Committee.

SIR Edward Cooke's Report concerning the Conference with the Lords touching the Bill of Certioraries and Superfedeas. He faith, the Bill hath in it Four Parts: The First Part of the Bill is against the Writ de Securitate Pacis, and the Supplicavit on the good Behaviour; and by this Bill it must be prayed in open Court, and not be granted in a

Chamber or other Place; or otherwise the Writ is to be void.

THE Second Part [ . . . . . . . . . . . . ].

THE Third Part against such as put themselves high into the Subsidy Books only to serve Turns, and are called Knights of the Post.

THE Fourth Part against undue procuring of Certioraries; which are to be granted but in Three Cases,

viz. in Case of Riot, Force, Battery.

And by this Bill no Certiorari is to be granted but in open Sessions; or, if it be granted at Westminster out of Term, the Party that procureth the Certiorari is to be bound in a Bond of Ten Pounds to prosecute, and to pay Costs if it go against him.

SIR Edward Cooke faith, that he fatisfied the Lords

for this Bill, faving only a little Alteration.

MR. Secretary faith, that his Majesty hath commanded him to fignify to this House, that this House must have a Recess. His Majesty's Reasons are, the Season of the Year; the ordinary Government of the Country, which his Majesty thinketh fuffereth much in the Absence of the Governours, the Justices of Peace and Deputy Lieutenants of the Counties:—The Musters are to be performed and returned by Midsummer, and his Majesty expecteth a present Certificate of the same:-That the Term Businesses have been hindered these Two Terms by the Businesses of the Parliament; and it would be a great Grievance to the Kingdom, to have this Term thus spent; and that, for these and the like Reasons, his Majesty is resolved to have a Recess very shortly; and that, by Advice with his Council, he thought it would be best to have it by Way of Adjournment rather than by Prorogation, for that there are many good Acts prepared in the House, whereof some are engrossed, others once, and others twice read, which would all fall, if this Seffions ended by a Prorogation; and also there are many good Acts which are to continue but till the

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End of a Sessions, and would fall without they be continued by some Act this Sessions: - That his Majesty purposeth also to enlarge his Pardon, which cannot be finished in so short a Time; and therefore his Majesty's Pleasure is, that the last Day of Business for this Time should be on Saturday next, and the Day for Adjournment on this Day sennight: and, for the Grievances (whereof we have collected the Heads) his Majesty understanding of it will be pleased to receive our Petition concerning the same, on Sunday next in the Afternoon, at Greenwich, and will give us fuch Answer as shall give us Satisfaction; and for the Access the King hath appointed no certain Day, but it will be about a) All-ballowtide next:—That his Majesty will have this Recess to be adjourned by Way of Commission.

MR. Alford would have us to take some Order for the regulating of the Chancery, and set down the Heads of it; and, because the King is the Chief Judge of the Chancery, he would have us prefer the same by Way of Petition to his Majesty, before we

draw a Bill for the Remedy of it.

SIR Robert Phillips moveth, that, fince the Judges of this Kingdom have done as well and justly as ever any Judges have done, and deserved no Judges of any Time better, that we would have a Care to repair and right them for the Tax laid on them by the

Masters of the Chancery:

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THE Master of the Wards saith, that he hath been charged before the King, that he did first set on Foot the Business of the Chancery; and yet he shall still desire to have it finished, and that the Committee may consider of the Heads that he himself and others at first laid down.

SIR Samuel Sandes saith, that he thinketh it not now sit to proceed with Bills, by Reason of the Shortness of the Time we are to sit, but to consider of the Grievances in Hand. Concerning the Chancery (because that Court hath been most irre-

gular)

gular) he would have us to provide, that that Court infect not the Person who is to succeed; and to that End would have us lay out the Jurisdiction of it, that it may not trench too far into other Courts, but keep Bounds:-That we should prefently fall into this Business of the Chancery, and the Danger of the Proceedings there, that all may be there remedied.

SIR Dudley Digs would have added to the rest of the Grievances, that his Majesty out of his Grace would be pleased to take some Order for the lessening and refining the Number of Justices of Peace; which heretofore hath been a Dignity, and is now become fuch a Burden to those that are in Commis-

fion, as the ablest Men avoid it.

MR. Beecher would (for the Encouragement of fuch as complain) that there might be a Clause inferted in our Petition to the King concerning Grievances, that for those Complaints, where Corruption is proved, there may be a Bill of Review allowed.

MR. Hackwell would that we should have a Conference with the Lords, and to tell them, that we are of Opinion, that it is fit we should declare, that those Decrees, where Corruption is proved, may have a Bill of Review, if the Parties whom they concern will; and that they who bring this Bill of Review shall pay good Costs, if the Decree be thought fit to be confirmed: - That all the Bills committed may be reported and delivered into the House; and those, that have not been thought fit by the Committee to pass, may sleep.

SIR George Moore faith, that the first Reason of calling of a Parliament was to redress Mischiefs and Grievances; and, fince we want Time to redrefs the Mischiefs, he would we should forthwith take Order forthwith to proceed in the Course proposed for the Grievances; and that a Calendar should be made of all the Bills in the House, and that it should be

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SIR Nathaniel Rich would that the Grievances caused by the Multitude of Proclamations published on all Occasions, being contrary to the King's express Answer to the like Complaint in the first Parliament concerning Proclamations, might be presented now again to the King amongst the Heads of the Grievances:—That he would have wished that by Commission (as the Bill of Subsidies did pass) some few general Bills might pass, and that there might be a short Bill or Clause, that the Sessions should not end, notwithstanding the passing of such Bills.

Mr. Secretary faith, that his Majesty considered and advised with the Lord Chief Justice, and other Judges there present, that some few Bills might have been passed, and the Sessions not to have thereby ended; but those Judges said, it was a Thing not

warranted by any Precedents.

SIR Warwick Heale saith, that there is a Precedent in Sir Thomas Sherley's Case, that a Bill might pass, and yet the Sessions continue; and also this Sessions is a good Precedent, for that we have passed the Bill

of Subfidies by Commission.

SIR Edwin Sandys would have all those Bills, that are engrossed, read and passed before the Recess; because otherwise, at our next Meeting, which is not like to be till All-ballowtide, they will seem strange and new to us.

MR. Alford would have no Order made, nor any Thing put to the Question of all these Motions till after Dinner, that then we might further consult

what to do.

WHICH Motion of Mr. Alford's was thought fit

by the House to be followed.

Sir Robert Crane would have us petition his Majesty that we might sit till about the End of the Term, that we might pass some Bills, and not return without some Fruit of our Labours into the Vol. II.

Country; which will otherwise with a heavy Heart pay the Subsidies we have given.

The House liked not this Motion.

HE Houle liked not this Motion.

## Monday, May 28.

#### COMMITTEE. THE STORY OF THE STORY

MR. Crewe faith, that fince it pleafed the King to fay, at the Beginning of the Parliament, that we had dealt with him not Merchant-like, and had given him a Precedent of our Affection without Precedent, and that he would meet us more than half way in remedying our Grievances; therefore he feeth not but that we may with good Hope petition his Majesty for our sitting a longer Time. He would have us defire a present Conference with the Lords, that they and we might join in a Petition to the King, that the Parliament might continue till we had finished some good Bills for his Royal Asfent:-That in Queen Mary's Time Bills did pass, and yet the Seffions continued:-That we may have a Clause in the End of the Bill, that that Bill might pass, and yet the Sessions continue.

MR. Hackwell faith, that in the 11th of Rich. 2. an Act did pass, that, notwithstanding some Bills did pass, yet the Sessions should not determine:—That in this King's Time, in Sir Thomas Sherley's Case, it was resolved, that a Bill with such a Clause might pass, and the Sessions not be determined. He would have us fend to the Lords for a Conference, and desire them to join with us in a Petition to this Est-

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It is by this Committee thought fit, and refolved by Question, that we shall send to the Lords for a Conference, and that at the Conference we desire their Lordships to join with us in a Petition to the King for further Time; that we may not break up our Sitting, till we have perfected such good Bills as are already almost prepared.

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SIR Ed. Sandys faith, he would have us to defire the Lords to join with us in a Petition to his Majesty, shewing how ready we are to pass divers good Bills; what great Grievances are come to the Subject for Want of fuch Bills :- That we are willing, notwithstanding the Weather, to sit for the Service of his Majesty and the Kingdom:—That the Pardon may pass this House in one Day, for it is here to be read but once; and, for the enlarging of the Pardon, that may be easily done by striking out of certain Restrictions: - That the Bill for Repeal and continuing of Statutes is already once read, and will be also soon ready: —That we, at a Conference with the Lords, should desire them to join in a Petition to the King, that we might continue our Sitting to the End of the Term, because in this Term there is but little Business to be despatched; for usually this Term is but to settle and prepare Business against another Term.

SIR Robert Phillips saith, that he would not have us stand on the Pardon, but (if it cannot be had so

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SIR Samuel Sandes faith, that he will walk in a Path not yet trodden in, and propound what hath not yet been proposed. He would have us to take Three Things into our Confideration; First, his Majesty's Honour; Secondly, the Good of the State; and Thirdly, our own Reputation; and that in all these he would have us do something:—That he never heard of an Adjournment by Commission; Prorogations have used to be made by the King, or by Commission, but Adjournments have ever been by the Houses themselves only :- That the King said, he would meet us in the Remedy of our Grievances more than half way, and that made us engage his Majesty's Word in the Country, that we had more than Hopes of a good Success of this Parliament but now we shall be like the cursed Tree, which bore fair Leaves but no Fruit, for at the first we Ii2 had

had fair Hopes:—That, if we go now home without Fruit, we shall be worse welcome than we were aster the last Convention of Parliament; for, though that Parliament brought forth nothing, yet it parted with nothing: I wish that it had then given something, and that we had attended the Fruit of it. He protesteth, that, if he had any other Place to go to, he would not go into his Country with empty Hands; for, if we go fruitless home, we shall be a Mock and Scorn to the Country.

THIS Afternoon the Speaker being come into the

Chair,

It is ordered by Question, that we shall send a Message to the Lords, for a Conference touching the Message from the King, concerning the Adjournment of the Parliament; and that the Conference might be with as much Speed as may be.

SIR Edward Cooke is fent with this Meffage.

Petition of Thomas Johnson, Servant to Sir Thomas Whitlock, a Member of this House, shewing, that he was arrested on an Execution, by Val. Foulke, Jo. Moore, and one Locke, who (when this Petitioner said he was Servant to the said Sir Thomas Whitlock, a Member of this House) used these contemptuous Words, "that they had known Servants to better Men than Sir Thomas Whitlock arrested on an Execution, and taken from their Master's Heels in Parliament Time."

I'm is ordered, that the faid Foulke, Moore, and Locke shall be fent for to answer their Contempt.

REPORT of "AN Act concerning Tithes of and "for Fish and Fishing Voyages made and to be "made in and upon the Seas and Coasts of America."

[To be engrossed.

SIR Edward Cooke saith, that he knoweth Seventeen or Eighteen Parishes in the County of Norfolk, where the Parsons of the Town have little or nothing but Tithe of Fish for their Parsonages, and

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that there they have their Tithe in Kind, and they there call it *Christ's Dole*, and that there in those Parts it is paid by a Certainty; and, if from them we take away their Tithe of Fish, we take away all their Maintenance.

IT is ordered, this Bill shall be engrossed.

SIR Edward Cooke saith, that the Lords after Confultation answered, that Tomorrow at Nine of the Clock in the Morning their whole House would

give a Conference with our's.

A MESSAGE from the Lords desiring, that the former Sub-committee of this House, appointed to treat concerning the Bill against Informers, would meet the Sub-committee of their House, Tomorrow at Three of the Clock in the Afternoon in the Painted Chamber, for the Accommodation of new Doubts risen since the Conference between the Houses, touching that Bill.

Answered by us, that the Sub-committee shall attend that Service, at the Time and Place as is

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At the Motion of Sir Nathaniel Rich, a Select Committee is appointed to go into the Committee Chamber, to fet down the Heads of the Petition which shall be presented to the King, and the Reafons to enforce the same; and the Answer to his Majesty's Reasons used for the breaking up of this Sitting, to the End that he, whom we shall appoint to speak at that Conference, may acquaint their Lordships with the same.

Wednesday next is appointed for the Hearing of the Difference between the Cinque Ports, and the

Merchant Adventurers.

REPORT of "An Act for confirming the Sale of "certain Lands made by Sir Edward Hearne, Knt."

[To be engrossed.

Tuesday,

### Tuesday, May 29.

that there are were large Things in Kir

L. 2. "AN Act for the continuing and reviving of divers Statutes, and for repealing of divers others."

[Vid. plus, fo. 191 and 197.

SIR Edward Mountague thinketh it fit, that the Statute concerning Tillage should be repealed, for that there is now a Patent granted, to license all Men to convert Arable Ground to Pasture; and he thinketh it as good to make it lawful for all Men by Repeal of that Act, as that we should buy a License of the Patentee. He would have the Statute, whereby it is made Felony to have Two Wives, to be continued, and that the Clause in that Statute, whereby Clergy is allowed, should be taken away; for he knoweth a Minister who had Two Wives, and, being convicted for it, saved himself by his Clergy; which indeed should not be allowed any

Man for fo foul an Offence.

SIR Edward Cooke's Report of the Conference with the Lords touching the Petition to the King for our fitting till the End of the Term. He faith, that he told the Lords that we shall not make a Country Farmer understand the Difference between an Adjournment and a Prorogation: - That, for the General Pardon, it may foon be made ready:-That there never was Parliament that fat Fifteen or Sixteen Weeks, and brought nothing to Perfection:-That there were never Subfidies given, but there were some Bills of Grace, and some Bills for the Good of the Commonwealth which did pass: - That after a Prorogation the fame Parliament Men are to come again: That in 30 H. 1. the Two Parliament Houses are called Commune consilium Regis:-That we thought we should have fat longer, and till Midsummer, because the King in his Speech said, we would be weary before Midsummer; whereby we took

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took it, that we should fit till that Time: - That we, for these and other Reasons alleged, do desire their 197) Lordships to join with us in a Petition to the King for further Time. He faith, that the Duke of Lenox answered, that their Lordships would consider hereof in their own House, and that presently we

should know their Answer to our Request.

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MR. Alford faith, that he hath feen an ancient Roll of Parliament, that the King ought not to end or break off the Parliament when Things are in Hand and not concluded; and that, when we have Notice that the Time approacheth that the Sessions shall end, then the Speaker useth to move the House that no more Bills may be admitted, but that we may go on and proceed only with the Bulinesses that are in Hand. He faith, that he is therefore of Opinion, that it is against the Course of Parliament, that the King, in the Midst of Business, should break up the Seffions.

A Message from the Lords, fignifying, that they have passed the Bill of the Sabbath, and that which is to prevent the Abuses of Supersedeas and Certioraries. These Bills were something amended by their Lordships to whom we sent them.

" THE Bill for continuing and repealing of Sta- L. 2. " tutes." [Vid. plus fol. 191 and 196.

SIR George Moore faith, that there are many relieved by the Statute for maimed Soldiers, who were never maimed in the Wars: - That, because by the Statute one Justice of Peace cannot of himself send a Rogue or sturdy Beggar to the House of Correction without joining with another Justice, he therefore defireth, that that Statute may be so explained and strengthened, as that it may be lawful, and in the Power of one Justice of the Peace, to fend a Vagabond Person to the Gaol, but not that one Justice alone shall fend a disorderly Person to the Gaol or House of Correction; for a Gentleman of good Fathion may have a Son who is diforderly fometimes, and it is not fit that one Justice alone should have it in his Power to fend him to the House of Correction.

SIR Edward Mountague defireth, that there may be a Clause inserted into this Bill, that all the Statutes made in 7 Ja. with a Clause of Continuance, may stand in Force; for, by Reason of the last Convention, the Judges have made some Question of the Validity of those Statutes.

This Bill is committed by the whole House to

be fat on in the Afternoon.

"An Act to prevent Abuses of procuring of " Writs of Supersedeas and Certioraries. \*"

IT is the Order of the House, that a Bill which hath been amended by the Lords, and is fent fo amended hither, is not to be put to the Question, whether that Bill shall pass with such Amendment or no, for that were to put the Bill again to the Queltion; but it is to be put to the Question, whether fuch Amendment shall be admitted or no.

> Tuesday, May 29. Afternoon. THE Speaker being in the Chair.

THE Statute of Westminster bindeth all Men to find Arms. Vid. aussi 1 or 3 Ed. 1. to this Purpose,

IT is the Order and ancient Use, that the Lords return the Amendments, which they give to any Bill that our House sendeth to them, written in Paper, and that they fend the Provisoes written in Parchment.

THERE were certain Acts which heretofore have passed the King's Royal Assent, and yet the Sessions did not thereby determine, as that of 1 H. 7. and that in H. 8. Time, concerning Queen Catherine Howard. [Vid. plus, fol. 194 and 195.

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THE Master of the Rolls maketh Report of the Conference with the Lords, concerning our breaking up of the Parliament; and saith, that the Lords said, that his Majesty was constantly resolved, that the Parliament should break up on Monday next:—
That the Grievances are presented to his Majesty on Sunday next, and on Monday his Majesty will come to give his Royal Assent to those Bills that are ready for his Assent; and their Lordships expect to hear how this doth like this House, and whether it doth content us.

On the Report of this Conference with the Lords the House was so discontented, that every Man cried out to rise, and that without giving any Answer to the Lords, whether this doth like us or not.

Mr. Delbridge, a Devonshire Merchant, saith, he will freely discharge his Conscience, as becometh an honest Man; and therefore professeth, that this Message delivered us by the Lords, from the King, doth dislike him for his Particular.

MR. Mallary would have us return an Answer to keep Correspondency with the Lords; but, for all other Businesses, he would have us let them rest.

SERJEANT Ashley faith, that the Prince did wish at the Conference, that we should forbear to debate or consult of joining with the Lords to get farther Time.

SIR Edwin Sandys saith, he seeth the House is full of Two Passions, Grief and Fear; and, for his own Part, he was never so full of either:—That the Country is in a dangerous taking: our Religion is rooted out of Bohemia and Germany, and rooting out of France, unless God doth miraculously defend them:—That Trade is decayed and stopped in all the Out Ports (especially the Cinque Ports) so that, whereas they were wont to defend themselves and the Kingdom, they are now become all such Beggars, as the King must keep there a Garrison to defend them: all the Grievances of the Kingdom are Trisses

Trifles in Comparison of the Decay of Trade:—That it is now no Time to consult what to do, for we are too full of Grief and Fear: Time may temper our Passions; and therefore he would have us rise now, and send a Message to the Lords Tomorrow.

SIR Robert Phillips faith, that we see Religion at home in an ill Case; and he prayeth God we feel

not the Danger of it.

A Message is ordered and fent to the Lords, to acquaint their Lordships, that the Committee is returned with great Grief to the House, and is now unfit to send an Answer; but Tomorrow we will send their Lordships an Answer.

THE House was so long debating of this Message, before they could resolve on it, that the Lords were

risen.

SIR Lionel Cranfield, Master of the Wards, would have spoken (the House being in this Passion, and ready to rise) and began saying, he was in a great Strait between his Duty to the King, and his Duty to this House; whereupon all the House cried out, that we should send the Message to the Lords (for yet it was not reported to us, that the Lords were gone, before the Messengers came to deliver the Mesfage) and would not hear him: then Sir Henry Vane, an intimate Friend of the Master of the Wards, moved, that we should hear the Master of the Wards, but yet the House would not: then the Chancellor of the Dutchy, Sir Humphry May, moved, that we did overthrow the Liberties of the House, if we would not permit every Man to speak; but for all this the House still called out for the Message; and fo the House rose in a great Passion and Confusion.

#### Wednesday, May 30.

SIR George Moore desireth, that there may be a Clause added to the Bill of Continuance of Statutes, to this Effect, that, notwithstanding this Sessions doth doth o

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Six Ben. Rudyard faith, that we are much bound to his Majesty for his Grace and Favour in giving us Leave to touch Businesses of a high Nature, and in them to go so far as to meddle with great Persons, on whom we have passed Judgment; which Judgment is better far than many good Laws, for Laws will fall asseep, when the Fright of those Judgments will keep Men awake to do their Duties. He desireth, that we may so temper ourselves and Passons, as that we may part out of this House like a sweet Odour.

SIR Rich. Grosvenor faith, that we have hitherto fang nothing but Placebo, and danced to the King's Heart; but it hath now pleafed his Majesty to change this Tune, and make us sing nothing but Lachryme, and dance Loath to depart. He wishesth our Breasts were transparent; for then he would not send us home with such a Hazard of all our Safeties and Reputation to those who sent us hither. Where we are now, our Fortune hath placed us: where we would be, our Hopes carry us. He would have us rather to trust the King with the whole, than to let us go with so small Fruit of so great Labours, and that we would not now meddle any further with any Bills or Grievances.

Sir Robert Phillips faith, he knoweth not whether he shall ever be of this House again or no, and therefore will now speak freely his Conscience:—
That he believed at first, that this Parliament would bring forth a happy Success. He ever believed, that God's Glory could not be maintained but by the spreading of the true Religion: if those of our Religion suffer abroad, it will defame and scandal our Religion; for Corruption grows apace. He would have us consider of Five Things. 1. Of our Religion at home; and, for the State of it, he thinketh, that (since the Reformation of Religion)

the Papists were never more impudent and daring than now; and, if it please not his Majesty to have fome Care of it, it will grow shortly to an equal Balance, which are the greater Number of Papists or Protestants. 2. For the Honour of the King's Children: This Part of Christendom never received a greater Blow than in the Loss of Bohemia. He prayeth the King be not deceived in his Hopes of bringing that Business to a good End; for now we see, there is a Labour to bring all Christian Religion under the Government of the Archduke. 3. For the Honour of the Kingdom: It hath been the Honour of this Kingdom not to bear an ill Word; and shall we now take such a Blow as that which hath been given to the King of Bobemia, and our King's Children, who (we may fay) are relieved by the Alms of others? 4. For the Commonwealth; which if we consider in its Wants and Grievances, he thinketh, the Parliament was the only Physician to cure the Desperateness of the Disease. In this it pleased his Majesty to say, that, if he had known them, he would have remedied those Grievances of our Hearts; but in the Way of this gracious Offer of Remedy it hath pleased his Majesty (for Causes best known to himself) not to divert, but to retard the fame. 5. We are to confider of the Course left to be held as we now stand; which is to be considered in Two Things: 1. What we shall presently do: 2. What we left last Night to be done, touching the Message to the Lords. For the first, since the King hath tied us to Monday, in which short Space we can effect no good Business of any Importance, he would have us fet down the State and Grievance of this Kingdom, and lay the same at his Majesty's Feet, to dispose thereof as he list: For the second Part, that we should tell their Lordships, we shall ever continue a good Affection to the Maintenance of the good Correspondency between us and their Lordships.

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Sir Thomas Wentworth saith, that he will speak without Fear of any. He conceiveth, that the King's Resolution is immoveable; and we are now to resolve either to do nothing, or else to be active and effect what Good we can. For the first, he thinketh it dangerous to give over thus, leaving a Kind of ill Understanding between the King and his People. He would have us fend to the Lords, to desire their Lordships to pass those Bills they have in their Hands with Speed, that we may do as much as lieth in our Power to satisfy the People, who have pass Twelve Bills at least.

MR. Wrennam saith, he conceiveth with Sir Rob. Phillips, that the greatest Bond of Unity is Religion; and those Princes who have the same Religion should assist each other: for how can we think that the open Enemies of the Bohemian, the Low Countries, and other Parts, where the People are of our Religion, can be Friends to us? The Poet teacheth, that Tunc tua res agitur paries cum proximus ardet. Nature maketh Sheep flock together against the approaching of the Wolf. He would have us go to the Lords, to desire them to join in a Course for the Safety of our Religion and the King's Children.

MR. Secretary Calvert saith, he wondereth that his Majesty's Message is so taken:—That it hath ever been the Use, that the King hath appointed the Time of the End of the Parliament, as he doth call it and appoint the Beginning of it. He confesseth the dangerous State of Religion at this present; but our Disunion is not the Way to remedy those Dangers of the State. This Parliament hath married the King and the People, by a right Understanding of each other, and cursed be such as seek to part it.

Ar this Wish of Mr. Secretary, all the House cried Amen; and then Mr. Secretary desired, that we should go on, and do something in this short Time.

DR.

DR. Googe faith, that it is discovered, that our Religion fuffers, our Ordinances are bent against us, the Justice of the Kingdom is corrupted; and is not the Time yet come that we should redress these Grievances? The Merchant fays, he can trade no more: the Artifan fays, he can work no more. The one fays, it is because every Pack, every Pedlar is trading beyond Sea: the other complaineth, there are too many Monopolies, too many Proclamations. There were a People brought out of a great deal more Danger than we are in, and came near the Land of Promise, yet could not attain to it. He thinketh the Time is not yet ripe for us, nor this the Place to give a Remedy to the faid Grievances; and therefore he defireth, that we fit down and hope for a better Time.

Mr. Sollicitor faith, that he is of Opinion and full of Hope, that this is the Parliament that shall end, as it began, very well, and give a Remedy to our Grievances. He faith, the Commonwealth is full of Diseases, but they are not past Cure. He would not have us fit and do nothing, because we cannot do all the Good we would do. The Time of Parliament is wholly in the King's Hands and Appointment, and we have received a Message for the breaking up of this Sitting, for Reasons of State best known to himself; and he hath graciously offered to remedy our Grievances, and would have us prefent them to him. He desireth, that we should prepare a Bill, that our Proceedings may be continued, although the Seffions doth end. He would have us, if we cannot prepare Things as we defire for the End of the Sessions, rather embrace the King's first Proposition than the last.

SIR William Spencer saith, since we can effect nothing in this so short Time, he would have us send to the Lords, to acquaint their Lordships, that we purpose to adjourn our House till Monday, and then

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SIR William Herbert faith, that he once hoped, that this Parliament, which had so good a Beginning, should not have had so much Discontent in the End, and we have so little Fruit of our Liberality.

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MR. Alford faith, it is not possible for us to do any Thing by Bills or by Petitions of Grievances, that may do any Good for the Kingdom. At first we found the King so gracious, as he never saw any Prince more favourable; and the Lords so willing to set forward to remedy the Grievances; but since Easter all hath been cold and quailed. He wisheth, that private Respects mislead not to the Hurt of the Public. He desireth, that we would join with the Lords in a Petition to his Majesty, that we may have a Meeting again after Michaelmas, and to get some Promise thereof from the King under his Hand.

MR. Crewe saith, he would not have us to join with the Lords, to petition the King for our meeting again after Michaelmas, for that is questionless wholly in the Power of the King, We have given freely Two Subsidies to the King, albeit we were never less able to give it. We went down before Easter with St. Hilary joyfully, but now we shall go with heavy Hearts:—That he never knew, after so long a Sitting, an Adjournment, but still a Sessions, nor [never] Subsidies given without a General Pardon; and is forry they must now be severed:—That there are passed both Houses some Bills, and others are ready to pass. He would have us confer with the Lords, what Bills they have ready to pass, and to proceed accordingly.

SIR Ed. Giles saith, that we shall be worse welcome into the Country with nothing than with a few Bills. If there be some who have laboured to break off this Parliament, they will rejoice to see us thus discontentedly and disorderedly to break off. He would have us to go to the Lords, and desire them

to hasten the Businesses and Bills they have, and that we would do as much Good for Trade as we can.

SIR Rob. Crane faith, that he should like well that we should proceed with the Matter of Trade, if we faw there could be any good Success in it; but we have fat here these Thirteen Weeks, and have had feveral Meetings for Trade, and yet are we no nearer a good Success than we were at first:—That we have given Two Free Subfidies; and they are like to prove a Free Gift indeed. Whereas it is alleged, that the King hath need of his Council, we shall willingly yield that they go to attend his Majesty's Service: here are other honest Hearts besides to go on with the Businesses here in Hand. defireth, that we should confer with the Lords, touching our joining in a Petition to the King, and representing to his Majesty the dangerous Estate of the Kingdom; befeech him, that he will be graciously pleased to give us Leave to sit a longer Time.

SERJEANT Ashley would have neither Bills or Grievances presented to the King, because the Bills that are ready to pass (though they are good, yet they) cannot give that Satisfaction to the Country, as the Country expecteth; but would have us leave them and the rest of the Business of the House so as we may find them in a good Case at our Return, when

it shall please his Majesty to call us.

A MESSAGE from the Lords, certifying, that their Lordships do find, that the Examination on Oath concerning the Bishop of Landass is not so full as the Information that was given into this House, and to the End we may see it, they have sent us the Examination of one Damport, who gave the Information to this House against that Bishop; yet they have found so much against him, as that they have given Order to the Lord of Canterbury, to give the said Bishop such Admonition in the Convocation-house, as his Grace shall think sit:—'That their Lordships desire another Conference with this House concerning

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concerning the Bill against Informers, this Afternoon at Three of the Clock in the Painted Chamber, by the Sub-committees of both Houses. Their Lordships also send us by these Messengers divers Bills, amongst which there was one private Bill for the Restitution of Blood to Carew Raleigh, Son and Heir to Sir Walter Raleigh, attainted of High Treason, and concerning the confirming of certain Lands and Estates, which were the said Sir Walter Raleigh's.

Our Answer is, that the Sub-committee of our House shall meet with their Lordships' Sub-committee, touching the Bill against Informers, at the Time and Place as is desired; and that this House giveth their Lordships Thanks for their noble Proceedings in the Business concerning the Bishop of

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SIR Ed. Cecil saith, he observeth this House is divided into Three Sorts of Speakers, free, silent, and reserved Speakers:—That it hath been a good Testimony of the Worthiness of this House, that at the sirst we went on so well, and were so well approved of. It is true he hath heard, and doth believe, there have been ill Offices done to this House by some Member of this House; for, at first Sitting, while the King's Ear was open to us, there was a good Harmony between his Majesty and us; but by the Carriage of some ill Messages the King hath been misinformed. He desireth we may have a Conference with the Lords to join with us in going to the King, and to let his Majesty understand the Hearts of this House.

It is on this Motion resolved by Question, that a Message shall go to the Lords, to desire a free Conference with them, touching the accommodating of the present Businesses of this Parliament; which Message was accordingly sent by Sir Ed. Cecil, who reporteth, that the Lords have appointed a Meeting for the free Conference, and that they would have it be of all the Members of both Houses, and the

Vol. II. Kk Time

Time at Four of the Clock this Afternoon, in the Painted Chamber.

SIR Dud. Digs would have us at this Conference to confer of the Manner of our giving over; for having fat here long and done nothing will be laid as a Fault to us. And therefore he would have it found out which is to blame, this House, or that of the Lords; for the King offereth to pass such Bills as shall be ready, and, if we make none ready, it will be our Fault: but, if the Lords, who have fent us up divers private Bills, have not passed those public Bills which we have fent to their Lordships, then (though he honoureth the Lords) he must say, the Fault is their Lordships. But he would have us prepare such Bills as are best and most ready for the pasfing, that, when we go into the Country, we may have fomething with us, and that we may fettle the rest so as we may proceed with them at our Return.

MR. Alford would not have us, at the free Conference with the Lords, to conclude of any thing be-

fore the House be acquainted with it.

THE Master of the Wards saith, he was Yesterday at the Council Board when the King did consider of the Recess, and his Majesty did resolve, that it should be a Recess or a Sessions, which should fit best with the State of the Business of the House; and that he gave Order, that the Opinion of the Judges should be asked, whether his Majesty might pass Bills and the Sessions not end? and, if it might be so, then there should be a Bill to that Purpose: and the Master of the Wards saith, he will pawn his Life that there shall be a Meeting about All-ballowtide.

Damport's Examination on Oath before the Lords is, that he and Butler should have had (out of the Recognisance of 6000 l. made to them and others by Mr. Ed. Egerton) 3000 l. and in this Examination he saith nothing of the Bishop of Landaff; who, he said (but not on Oath) before us, should have

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had so great a Share, as he thought no Cause in any Court in Conscience could afford.

THESE Bills are passed both Houses:

THE Bill against Drunkards.

The Bill for the free buying and selling of Wools.

THAT for repressing of Recusants.

THAT for the East of Pleadings.

THAT for the Erecting of Hospitals.
THE Prince's Bill. And

Four other public Bills.

So there are Ten public Bills passed both Houses. It is an ancient Order, that no Bill should be read the Third Time for the passing, whilst a Message, which we fend to the Lords, are absent.

"An Act against the secret finding of Offices and Inquisitions." [This Bill is recommitted.

" An Act against Bankrupts." [To be engrossed.

# Wednesday, May 30. Afternoon.

Concerning our free Conference with the Lords, touching the accommodating of the Businesses of the Parliament.

MR. Sollicitor faith, that there are Grievances which (because we have not Time to prepare Bills to remedy) it will be needful for us to desire some Redress in; viz. that it may not be lawful to export Ordnance, nor Wools, nor Coin:—that those public Bills which are most general may be prepared

for the King's Royal Affent.

SIR Nath. Rich faith, that it is our Grief that we are denied Access to the King, who hath said, he would be forry to deny us any thing, and that his Majesty's Ears are stopped that he cannot hear us. We believe, and know not but his Majesty is persuaded, that we are well pleased to give over; wherefore he would have our Desire to sit here longer represented to the Lords, that the King may know

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The Trade of the Kingdom is declined fo, at the King must keep Garrisons in the Cinque Ports; for all the Inhabitants there have, and are ready to leave them. As for Bills, he would not have us prefent to his Majesty a few Bills; for he had rather, that the Kingdom should think that parturiunt montes, than that we should bring forth a Mouse. As for Grievances, he holdeth, that they are not ripe for to be presented to the King; and therefore he would have no Grievances to be prefented, but only the Grief of our Hearts. If the good Bills which are in the House may be perfected, then he would have us go on with them; but he would have us defire the Lords to join with us, and to go with us to the King, to represent the lamentable Estate of the Kingdom, the Decay of the Trade of it, the Danger of the Safety of it and the King's Honour.

MR. Neale would have us propose to the Lords those Bills which are passed, and those other which may be passed, and to defire their Lordships' Expedition of the same; for he thinketh, that, without passing of so many Bills as we may, we shall give no

Contentment to the Places we serve for.

MR. Recorder Finch would have us make much of the Mother (the Parliament) whatsoever becometh of the Child (the Business); for, though it perish in the Birth, yet the Mother may have more Issue; and therefore would have us part well, and so hope of farther Issue. He would have us pass as many Bills as we may, for they are not to be taken as a Retribution:—That the King is tied to further an Act for the Good of Religion. He would have us also express our Griefs, that we want Time to pass more Bills, and to desire their Lordships to join with us to further those that may be passed, and are best worthy of the passing,

SIR Ed. Sackville would have us pass those Bills which are ready, and prepare as many more as we may make ready; for, if we rise on a Discontent, we

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The Master of the Wards saith, that those who would have us rise discontented will do the Country as ill Service, as they hope to do good by a longer Stay:—That Time will manifest, that the King hath more than Reason to do what he doth:—That there was never better Shipping in England, than now there is. As for Trade, he purposed to have made it his Masterpiece, for he hath been bred in it, and would have spent his Life to have done Good in it; but the State of Trade is not so bad as it is alleged to be, and some of the Out Ports never had better Trading:—That to part discontented is not the way to effect any good Thing, and no private Man's Estate can be sure, when the Public is not assured.

SIR D. Digs saith, that at the free Conference their Lordships did desire the Continuance of the Correspondency between both Houses; but they expected (it being a free Conference, and desired by us) that we should have spoken of some Particulars:—That Tomorrow their Lordships will send us a Note, how the State of the Bills and other Businesses in their Hands do stand.

SERJEANT Ashley reporteth, concerning the Bill of Informers, that their Lordships would have it amended in the Title, and that there it might not be against Informers and Relaters, but only against Informers; for, if it be against Relaters, it will extend to too great an Abridgment of the Office of the King's Attorney, who hath of Necessity a Relater, in all Cases, in the Star Chamber:—That the Sub-committee of the Lords would have, that the King's Attorney might have Liberty for to bring the Number of Fifty Actions in a Year hither to Westminster, and not be forced to have all tried in the Country; but, when our Sub-committee opposed it, the Lord Treasurer Mountague desired the Attorney might have fuch Liberty for half Fifty Ac-Kk3

tions, and after desired a less Number; but our Sub-committee would not yield to any thing, but said, they would acquaint the House with it. Then the Lords stood to have this Bill a Probationer; but our Sub-committee answered, that that was debated here in our House, and resolved it should not be a Probationer; and therefore they would not yield to it.

Mr. Alford faith, that the King did promise that this Bill should pass, and gave the Lords a Charge to speed it. He would not have us yield to the Amendment of any thing in this Bill, but of the Title of it; and, if their Lordships will stand to have those Amendments, and will not otherwise pass the same, then let us leave it to their Lordships, to be their Fault that it doth not pass.

IT is resolved by Question, that there shall be no Amendment in the Bill against Informers, but only

that of the Title.

### Thursday, May 31.

"An Act to make good the Conveyance of a "Manor of Little Mandell in the County of Hereford,

" made by Mr. Peter Vanlore and Sir Charles Cefar

" and his Lady, to one Mr. Vuedale,"

MR. Alford moveth, that the Master of the Rolls, for his Favour from the House in giving, at his Request, a Reading to this Bill for his Son, may tell the Masters of the Chancery, that this House

liketh not their taking of Fees.

THE Master of the Rolls saith, that he the last Term did command the Masters of the Chancery not to take any Fees for any References, and accordingly they took no Fees all the last Term; but, howsoever, he will acquaint them with the Pleasure of the House,

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SIR Edward Cooke saith, that in the Books called Braston and Britton there are some Officers called Cursitors, because they make Writs ex cursu, cursory Writs; wherein no more is set down but the Names of the Party, and the Return of the Writ:—That the Masters of the Chancery were only to look over those Writs, the making of Brevia Magistraria, and to the King's Benefit thereof:—That anciently the Six Clerks could not marry, until there was an Act of Parliament that gave them Leave to marry. He desireth, that the Master of the Rolls may have a Copy of the Order of this House, concerning the Masters of the Chancery, that he may see it executed.

THE Master of the Rolls saith, that they were the Registrars that anciently made those Brevia Magistraria:—That, if the Masters of the Chancery do not perform the Order of this House, which he will

deliver them, they shall hear of it.

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MR. Alford saith, that all our Acts or Bills are to take Effect after the End of the Sessions; so as, if this be but an Adjournment, then those Bills (which some would have pass, notwithstanding the Sessions doth not determine) cannot take Effect till the End of the Sessions: and, if it be now a Sessions, then all the Business is behind hand, and must be begun anew.

SIR Edward Cooke saith, that there are some of our Acts or Bills which are to take Effect from hencesorth, and they are to take Effect from the Beginning of the Parliament, when they are passed the King's Royal Assent:—That Henry 7. was in 1. Regni sai attainted of High Treason; but, as soon as he came to the Crown, that Attainder fell to the Ground:—That in 1 H. 7. Bills did pass the King's Royal Assent, and yet the Sessions continued. The Grievances are not yet ready to be preferred, and the ancient Use hath been, that, when the Petition (204) of Grievances was presented, then commonly there

were

were also presented some Bills to take away the same: and, if the Bill against Monopolies and that against Concealments be not prepared, it will be to small End for us to present any Grievances:—That it hath not been the Use to present Grievances by Fractions, but we must do it throughly; for, if it be done by Halves, the King may have good Reason to deny us. He wishest therefore, that we should embrace the King's first Offer for an Adjournment rather than a Sessions.

Sir Ed. Mountague would have us (because we cannot bring to any Perfection our Grievances by Sunday next, nor yet in Three Weeks) to return, by some of our House, humble Thanks to his Majesty for his gracious Message concerning the same, and to acquaint the King, how that we cannot, in so short Time, prepare the Grievances for his Majesty's

Consideration.

MR. Hackwell, concerning the Adjournment by Commission, faith, that there is no Question but this House may adjourn itself; yet it was a Question in I Jac. but then it was resolved on, and a Precedent vouched in the Time of Queen Mary, that this House might adjourn itself:—That in 27 Eliz. there was a Commission for Adjournment of the Parliament, but this House did then adjourn itself, on Notice by a Message from the Lords:—That the Commission of Adjournment was read there, and so is the Use still; - That, during the Adjournment, the Wages of the Knights of Shires and Burgesses do continue to them, and the Members of both Houses are still to have Freedom against Arrest, both for themselves and their Servants:-That in a Year-Book of 33 H. 8. Queen Catherine Howard was attainted: That in 21 Octobris there was one Parliament, and that in 23 Octobris in the same Year there was another Parliament; for it was the Judges' Opinion in those Days, that every passing of the Royal Affent was a Sessions; -That in 1 and 2 of Queen Mary

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Mary the House was of Opinion, that the giving of the Royal Assent did not make a Sessions; and in that Parliament Cardinal Pole's Bill was passed, and yet the Sessions continued, for there were divers other Bills that passed afterwards in that Sessions:—
That there cannot be a Royal Assent but we are to be present.

SIR Edward Cooke saith, that the Royal Assent doth not make a Sessions, unless the Lord Chancellor or Lord Keeper doth say, at the passing of the Royal Assent, that this shall be a Sessions or Prorogation of Parliament; but, if he say no such Thing,

then it is to be no Sessions.

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SIR Edwin Sandys faith, our End and Necessity is to enable the Subject the better to live: the opening of Trade, the Advancement of our Home Commodities, and the increasing of Commerce between Man and Man. These Things are the most weighty Causes of the Parliament; and he wisheth, we should rather embrace an Adjournment than a Prorogation. For the Manner of the Adjournment, there hath a Commission used to come from his Majesty to the Lords, but it hath been only to declare his Majefty's Pleasure that we should have an Adjournment; but the Lords themselves, and so this House by ourfelves, have ever used to adjourn the Sitting, after that the King's Pleasure hath been signified, that there shall be an Adjournment.

SIR Ed. Cecil moveth, that we might join with the Lords, to acquaint the King with the State of the Business of this House, and that we are content and part without Grief. He feareth, that there are some amongst ourselves, who do pick out the worst of every Man's Speech and Words (as lately of Sir Edward Cooke's) without remembering the good Service, that any one doth to the King and this House. He would have us represent so much to the King by our Speaker; whom he would not have use fuch large

Preambles

Preambles nor Eloquence (whereof we have no Use

nor Need) but to go to the Purpose.

SIR D. Digs faith, that it is true, that it appeareth by the Custom Books, that Trade is as good as ever it was; but the Gain of Trade is not so good as it was wont to be; for Trade hath an inward Disease, Impositions and the like, that hath marred and decayed Trade.

It is ordered by Question, that Sir D. Digs shall speak at the Conference with the Lords. [Vid. the

Effect of this Conference, fol. 206.

SIR Ed. Mountague saith, that he would have no Bills to be passed at this Adjournment; and he thinketh it will better content the Country, when as they shall understand that this is but a Cessation, and that the Parliament doth continue, and we still enjoy our Privileges from Arrest and the like, as if we did still sit in Parliament.

SIR Rob. Phillips would have no Bills passed this Adjournment. He saith, he must say he goeth home with a sorrowful Mind; but not with a repining Sorrow, but a Sorrow that in all this Time we have brought forth no Fruit for the Good of the King and the Kingdom. If we should offer to have Bills passed, and the King should not, at this Time, give way to some special Bills which we desire to have passed, then this will breed in us more Discontent than if we had offered no Bills at all to be passed.

SIR Edward Cooke faith, it is a Maxim in Law, that every Court must adjourn itself; and, if there be a Commission to adjourn the Parliament, then the Adjournment is not good; but the Commission should be to declare his Majesty's Pleasure, that we should adjourn the Parliament. A Commission to adjourn alone is not good; but, if the Commissioners and Members of Parliament do join, they may adjourn either or both Houses.

SIR Thomas Rowe would have no Bills at all paffed, because it is questionable whether the Sessions Prece Mare no

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not end then or no; for Mr. Hackwell did deliver Precedents of Judges' Opinions on both Sides.

MR. West would have some Bills pass, because we are not sure to meet again, for divers Occasions may cross it; and therefore he would have good Bills

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SIR Nath. Rich faith, that he perceiveth our Intention is to confer with the Lords, concerning the Adjournment of the Parliament, and the fettling of the Business of both Houses of Parliament. He liketh well that the Vogue of the House is, that we shall go ourselves (and not desire their Lordships to join with us) to the King, to acquaint him with our Grief, and the State of the Business of this House.

Mr. Secretary faith, that the King hath as great an Interest to have Laws as either of the Houses; and, if his Majesty shall desire to pass some Bills, and we refuse it, he thinketh it will not stand with good Manners in us, neither with our Duties to the Places we serve for; and therefore he would have us pass

fome Bills.

MR. Mallet faith, because it is a Thing doubtful, whether or no Bills may pass, and the Sessions not

end, he wisheth no Bills may pass.

Mr. Delbridge would have no Bills pass, but, because Trade is much decayed, and lieth a bleeding, he would (to give some Satisfaction to the Country) that there might be Liberty given to trade freely, according to the Law, notwithstanding the Patents and Monopolies which are granted, and that the Impositions laid on Trade, since the last Parliament, may be taken off till that Time; for now the Charge laid on Trade is such, that none can make a Living by it:—That, if a Merchant trade with 100 l. he shall pay for Custom and Fees outward and homeward of this 100 l. 25 l. to the King and Officers:—That Customs are raised; and, whereas they paid of late for one Kind of Merchandise 2 s. 8 d. It is true

(as the Master of the Wards said) that it seemed by the Custom Books, that Trade is as good as ever it was; but that is, because Custom is raised, not Trade increased.

THE Master of the Wards saith, it is true he meant Mr. Delbridge, when he faid that he knew the Trade of the Town, for which some Member of this House serveth, to be as good as ever it was :- That he, on Search, found the Trade of that particular Town doubled of that it was wont to be in the Queen's Time, and better than it was at the King's first coming; and this he hath found to be, not by the Increase of the Customs, but allowing all late Impositions:—That he is confident still, that Trade in general is not decayed, but in some particular Places it is:—That Trade is as great as ever it was, but not fo good as ever it was. As to the raising of 2 s. on a Bays to 2 s. 8 d. it was on Petition remitted by the King to that particular Town: -That, if we had had a Fortnight's Liberty more to fit here, we could have done no Good for Trade:-That against our Meeting he will so prepare Trade, as it shall pass then more speedily and the better:—That [neither] the King's Business nor our's is [not] done; for the Two Subfidies have been in Substance no more than One Subfidy and Two Fifteenths:—That Iealousy well grounded is Wisdom; but, if it hath not good Ground, it argues an ill Disposition. He doubteth not, but that we shall meet again to effect what we have begun.

SIR Dud. Digs saith, that Mr. Delbridge spake and meaneth, to his Knowledge, that the Trade of the Manufactures, which are made in the Town for

which he ferveth, is decayed.

SIR Edwin Sandys wisheth, that the King be not wronged, for here is no Man that wrongeth his Majesty:—That there is no Man here discontented; but here is no Man here that will undertake, the Country shall not be discontented, for Want of Mo-

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ney and Trade will discontent them; and, though we shall all of us in Duty palliate our Discontent, yet his Majesty would not have us to palliate our Intentions and Desires. Poverty, and Want of Money and Trade pinch the Kingdom at this Time, and what are the Bills which are passed (against Drunkards and for keeping the Sabbath) to remedy these Wants? but, if we could have the Bills against Informers, Monopolies and the like, he should have been glad to have them passed. Hope of passing good Bills at our next Meeting will content more, than the effecting such Bills as are passed.

A Message from the Lords, who send us "An "Act that the King's Royal Assent to some special "Bills or Acts shall not determine the Sessions:" And further, their Lordships desire a free Reconference with this whole House, on the same Subject

that both the Houses met on Yesterday.

Our Answer. That this House will meet for a free Reconference with their Lordships, for that Bu-

finess, at the Time and Place as is defired.

SIR Dud. Digs doth recapitulate his Conceit of what the Intention of this House is, concerning the free Reconference, wherein he is appointed principally to confer; and desireth to be rectified, if he conceiveth it not right. That he shall hear and not propose:—That he shall confer to have an Adjournment:—That we will not meddle with Grievances: and that he shall shew, the Inclination of the House is to have no Bills passed:—That he shall confer of these Things, but not conclude any thing:
—That he shall shew the Reasons, why the House hath such an Inclination; and in a Declaration to touch the Business of the House.

It is ordered by Question, that he shall speak and treat of these Things, and in the same Manner, as

he hath recapitulated them.

SIR Ed. Sandys would that Sir D. Digs should shew the Reasons, why we incline to have no Bills:

First,

First, to maintain the King's Honour; for, if we bring down these Bills and no more, the Country will think we could get no more: Secondly, the Reputation of the House; that we have sat thus long, and shall pass not above Ten Bills, which will be the most we can despatch in so short a Time: Thirdly, the keeping of the People in Content; who may mutter, if they see no better Fruit of the Charges

they have been at.

was bus Zelfouchold THE Master of the Wards saith, that we have to deal with a wife King, and one that can apprehend quickly when he is abused. For the Reasons set down by Sir Ed. Sandys: 1. He faith, that Sir Edwin is mistaken; for it cannot be (as he saith) for the Honour of the King, that we shall refuse to pass any Bills, whenas his Majesty, at our Request, hath yielded to pass Bills. 2. That it cannot be for the Reputation of this House, to be so inconstant, as first to desire to pass Bills, and then to desire not to pass Bills. 2. For the Content of the People, the Bill against Informers, and that concerning Superfedeas (as he hath heard) are better than a General Pardon.

SIR Ed. Cecil interrupted the Master of the Wards, faying, he was forry to hear him in such Manner to go between the King and us, and to fay, that that which we have intended for the Honour of the King is only to delude and abuse the King; and to tax the whole House, in such a Fashion, of Inconstancy and Pettishness. He hath heard, that there were some of this House, who did the House ill Service by Misinformations; and we may justly suspect it, since here openly our Speeches and Intentions are wrested to the worst Construction.

SIR Ed. Sandys faith, that the Message delivered here from the King, by Mr. Secretary, was, that his Majesty thought it would be best for the House not to pass Bills; and therefore what himself had spoken

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THE Master of the Wards saith, he spake but his Opinion, as Sir Ed. Sandys had done his; and that it was but his Opinion, that not to pass Bills was not for the King's Honour, as it was the other's Opinion, that it would be for the King's Honour not to pass Bills. He wisheth, that he may prosper as he hath done and laboured to do to the King, and otherwise, all good Offices for this House.

# The Speaker in the Chair.

SIR Dud. Digs's Report of the free Reconference with the Lords, according to the Morning's Resolution by this House. He faith, that he desired, that what he faid might not be taken as the Resolution of the House, but only as a Declaration of the Business of our House:—That the Lord Treafurer defired to know, which of the many Bills we would felect, to be presented to the King? whereto he answered, that the Diversity of Opinions of those of our House, being come out of divers Countries, would make us spend all the Time of our Sitting, as we had done a great deal already, in Debate, if we should endeavour or go about to resolve of any Bills; and that the Inclination of the House was rather to have no Bills pass at this Adjournment, than not fuch public Bills as might content all Countries; for, if we should pass some, and not such as the Country is in Expectation of, they, knowing such as are in Hand, would then think, that we had all the Fruit of our Labour, which we were like to have this Parliament; and that we think it needless to pass many of the best Bills during this Adjournment, for that they are not to take Effect till the End of the Sessions:—That we likewise understood the first Message of the King to be, that his Majesty thought it best, not to pass any Bill during this Adjournment; and therefore we hope, it is most agreeable to his Majesty's Pleasure to select none at this Time, but to let all rest our next Meeting:-That thereupon the Lord Treasurer said, he thought the King did defire to have some Bills pass, rather than that we should return empty-handed into the Country; and that therefore their Lordships sent us that Bill, that the Sessions should not be determined, notwithstanding his Majesty's Royal Assent were given to some special Bills :- That their Lordships would confider of these Propositions by us made, and Tomorrow let us hear from them again. He faith, that he also shewed the State of the Kingdom for want of Trade and Money; all which we did defire their Lordships to consider of with us, for the Honour of the King, and the Good and Safety of the Commonwealth.

## Friday, June 1.

SIR Richard Grosvenor moveth, that the House would give the Speaker Power, on the Arrest of any Member of this House, or of any of their Servants, to send his Warrant for the releasing of him:

—That Mr. Speaker might have the Mace carried before him here in this Town, during all this Recess; and that Mr. Speaker might not (for the Honour of this House) plead at any Bar during this Recess.

SIR Thomas Crompton would have the Speaker enjoined to keep a Table during this Recess, as he

doth while the House sitteth.

THE Speaker said, he shall be ready to do any Service for any Member of this House; and shall, if it be the Pleasure of this House, send his Warrant to release such Members of this House, or their Servants, as shall be arrested:—That he thinketh, it was never the Use for the Serjeant to carry the Mace before

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before the Speaker, in Time of Recess:—That the Journals of this House shew, that Speakers had here-tofore used to plead at the Bar, and he hopeth he shall not be barred more than his Predecessors have been. As for his Table, he wondereth that any Gentleman should move to have him ordered to keep it; but either he that moved it, or any other, shall come and be welcome to his Table at all Times.

THE House made no Order, but approved of all

which the Speaker faid.

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SIR Rob. Phillips faith, that, during the Recess of Parliament, the Person of any Member of this House, and also his Goods and Servants are to be protected and privileged from any Arrest or Suit.

Mr. Hackwell saith, that Protections in Writing are not good, and Sir Edm. Ludlow, in a former Parliament, was much taxed and chidden here in this House for giving such a Protection:—That one Mr. James, a Member of this House, having his Horse taken up for a Post Horse, had (on Complaint here) the Privilege of this House for his Horse:—That Sir Will. Kingsmill, a Member of this House, having his Goods arrested, had (on Motion here) the Privilege of this House, for the releasing of his Goods. He desireth, that there may be no Order made here in this, for that will be rather a Wound than a Strengthening to our Privileges.

MR. Alford defireth to know, whether the Speaker hath Power to release a Member of this House, or his Servant, during this Recess. He would have a Committee to sit during this Cessation, to consider of the Privileges of this House; and would have the 101 Orders, made by the last Lord Chancellor, to be considered of by the same Committee, that at our

next Meeting we may do fomething thereon.

SIR Rob. Phillips faith, that there are near Forty-three Complaints and Witnesses in the Businesses against Dr. Lambe, and that Forty-two of the Com-Vol. II.

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plaints are under the Hands of those who complain against the said Doctor :- That this Day or Tomorrow there will be divers Witnesses in Town, concerning the Business complained of against Dr. Craddock, of Durham:-That there is one Widow Bateman of the North, that complains, that the Lord Scroop, Lord President of York, hath by indirect Means taken from her her Estate; and that Mr. Witherhead, the faid Lord Scroop's Secretary, and one Mr. Gabriel, another of the faid Lord's Servants, had Forty Pieces to procure their faid Lord to do this unjust Act :-That this Woman complaineth against almost all the Courts of Justice of this Kingdom:-That she also complaineth against Sir Pet. Chapman: - That her faid Complaint was fo scandalous, as the Committee gave her Wednesday to bring Pledges for her safe forthcoming, according to the Order and Course of this House, but she never since appeared; so as it should seem she is gone :- That the Lord Scroop defireth a Copy of this Petition against his Lordship, that he may go therewith to his Majesty during this Recess, for the rectifying of his Honour, or the condemning him as an unworthy Subject. And thus Sir Robert Phillips defired the Order of the House in all these Particulars.

sir Edward Cooke saith, that during a Recessall the Privileges of the House are to continue. He would have us make an Order, that, if Mr. Speaker be in Town, he should send for those that have caused any Member of this House to be arrested, and for the Gaoler or Sheriff, &c. and that the Speaker shall acquaint them with the Order of this House for our Privileges from Arrest: and, if the Speaker be in the Country, that he should then send his Letter to this Effect to the said Parties, if the Party arrested, or his Friends, or any for him acquaint Mr. Speaker with it: and that this should be done by the Speaker, if any Member of this House or his Servant be arrested, his Goods distrained, his Lands

Lands summoned, his Person served with any Writ or Citation, &c. or any thing else done against the Privilege of this House. And, if such Persons will not release any Member of this House, or any other beforementioned, then this Order, and their refusing to obey it, may aggravate the Offence of such as so offend.

THIS Motion of Sir Edward Cooke is accordingly

ordered by the House.

MR. Hackwell saith, that Sir Ed. Phillips, being Speaker of this House, sent his Letter, during the Recess, to the Court of Wards, for to release a Servant of his named Mr. Dawes; and that, according to his Letter, that Court did release the said Mr. Dawes.

SIR Edward Cooke faith, that the poor Men, who are 5 l. or 4 l. in the Subfidy Book, bear the Burden

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It is ordered by Question, that the Committee for Abuses of Courts of Justice shall, during this Recess, take Examination of the Business against Dr. Lambe, that against Dr. Craddock, or any other Business of the like Nature; and to set down in Writing all the faid Abuses, and the Complaints and Examinations of the fame; and to deliver the fame, fealed with the Seal of some of the Committee, unto the Clerk. All those who will come are to have Voice at this Committee, which is to fit in this House every Tuesday, Thursday and Saturday, and to begin next Tuesday Morning: - That this Committee shall have Power to fend for any Men to this Purpofe. and is to make Report of the same at our next Meeting :- That this Committee shall fit, notwithstanding the Adjournment.

SIR Edward Mountague saith, that the Lord Treafurer said, that, when the Parliament is adjourned by Commission, declaring the King's Pleasure, all Businesses are to cease, and nothing is to be done in that Cessation; but it is otherwise, when we of our-

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felves, without having the King's Pleasure, do ad-

journ the Parliament.

Mr. Nove faith, that he never heard that there was a Difference of an Adjournment made by the House only, and an Adjournment made by Commission by the King. If the King alone do adjourn the Parliament, then it is a Determination of the Sessions: if the Parliament be adjourned by ourfelves, we may meet again of ourselves; but, if it be an Adjournment by the King alone, then it is an End of the Sessions, and we cannot meet again, but on Signification of the King's Pleasure: - That in the Lord Dyer's Time it was resolved, that, if an Adjournment be by a Record, it is an End of the Sessions; but, if it be but by a Remembrance, it is otherwise: but it is ordinary, that there is a Commission from the King to adjourn the Parliament; but we do adjourn it of and by ourselves, and make a Remembrance of it, and of the Continuance of the Sessions here in the House. If the Sessions end, many Statutes against Hunting, and others, will be discontinued. He would have us be Suitors, that the Adjournment may not be on Record by the King alone, but may be made by the feveral Houses; for that it might otherwise breed a great Question, whether the Sessions determine or no; and his Opinion is, that it doth determine the Seffions.

In the Journal of this House, in 27 Eliz. it is expressed, that there was a Committee appointed to fit in the Time of Recess, when there was an Adjournment by Commission from that Queen to adjourn the said Parliament; and that, notwithstanding this Commission, this House did (on Notice of the same from the Commissioners, being some of them Attendants on the Upper House, when the faid Commissioners, who brought the said Commission fion, were gone forth, and their Message declared to us by the Speaker of this House) adjourn the said

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Mr. Mallet saith, that in 4 Ed. 4. there was a Writ sent by the King to adjourn the Term; and thereon the Judges did adjourn the Term: and it hath ever been the Use of all Courts, that the Judges have adjourned the Term, though the King send a Writ to do so.

SIR Edward Cooke moveth, that it may be ordered, that the Knights and Burgesses of Cheshire and Flintshire might meet, during this Adjournment, as a Committee in that Country, to examine the Abuses of the Courts of Justice in the Country of Chester.

THE House would not order this Motion, but leaveth it to every one of that Country to bring up what Complaints shall be made unto them at their next Meeting.

SIR Ed. Cooke leaveth the Business that is complained of against the Lord Scroop and others, by the Widow Bateman, to the Consideration of the House; whether it be of Opinion, that there shall be a Copy given of this Complaint, before it be throughly examined, or no.

SIR Tho. Wentworth would have the Party complaining to be laid fafe; that, if on Examination the Complaint be not proved, the Complainant may be punished; to the Terror of such as are presumptuous to libel and scandalize Justice, and the Ministers of the Courts of Justice.

SIR Arthur Ingram saith, that this Business did concern the Lord of Rutland, who is Brother in Law to the Lord Scroop; and it is improbable he would take a Bribe to do his Brother Injustice: and that Sir Pet. Chapman denieth, that he gave any Bribe in that Business, either of 40 l. as is alleged, or of any other Sum.

MR. Noye wisheth, that (if the Complainant be not run away) he may be sent for, to know, whe-L 1 3 ther ther he will verify this Petition or no? and, if he will, then would have him have Time to prove the fame; and that he should be ordered to find good Pledges for his forth-coming, till he hath verified the same; and, if he will not find good Pledges, nor undertake so to do, then he would have him sent to the Tower.

SIR Samuel Sandes would have Damport sent for also, for that he hath abused this House with an untrue Information, concerning the 6000 l. which (on a Recognisance taken to him, Mr. Butler, and Dr. Field, now Bishop of Landaff) Mr. Ed. Egerton was to pay; out of which 6000 l. Damport here affirmed to us, that the said Bishop was to have had so great a Share, as he thought no Cause in a Court of Justice could afford.

Damport's Examination, taken on Oath before the Lords, is read here; whereby he deposeth, that himself was appointed to have nothing, when the Recognisance was entered into:—That Mr. Butler should have had 2000 l. and he and Butler meant to have shared 1000 l. between them; but he knoweth not what should have been done with the other 3000 l. and saith nothing concerning the Bishop of Landaff, whom formerly he here accused.

It is ordered by Question, that Elwick, who folliciteth the Business against the Lord Scroop and others for the Widow Bateman, and also Mr. Damport shall be sent for, to be here Tomorrow Morning.

I saw this Day, after our House was risen, Floid stand in the Pillory; the Words or Inscription of his Offence being altered of that they were appointed by our House; and are now, For ignominious and despiteful Words, and malicious and scornful Behaviour against the Count Palatine, and the King's only Daughter, and their Children. This was pinned to his Breast and Back, and he stood Two Hours in the Pillory, and did ride according to the Sentence of the Upper House.

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" An Act for the keeping and holding of the " Affize and Gaol Delivery at the chief and princi-" pal Towns of every County of England." ferred by Sir Rich. Newport of Shropshire.

An Act against the secret finding of Offices and " Inquisitions to be taken on his Majesty's Behalf."

IT is ordered, that all Bills that were delivered to any Committee, and all Petitions concerning Parliament Business, shall be brought into the House.

It is ordered, that the Charter of the Cinque Ports, being brought hither only for Matter of Evidence, shall be delivered to those of the Cinque Ports.

THE Prisoners of the Fleet petition, that they may be secured for their Persons, Goods and Chambers, by the Warden of the Fleet; and that they may pay the Fees and Prices, according to a Table of 3 Eliz. which is extant in the Fleet.

IT is ordered, that it shall be declared, as the Opinion of this House, that the Warden of the Fleet shall fecure the Prisoners there for their Persons, Goods and Chambers; and they shall pay no other than the Fees and Prices according to a Table of 41 Eliz. which Fees were presented at that Time on Oath, and are enrolled in the Chancery. Mr. Hackwell and Mr. Glanvile are appointed to fet down this Declaration.

SIR Walt. Earle moveth, that Sir Edwin Sandys may be cleared, by Question in the House, for the Words which he was here taxed for.

SIR Ed. Sandys faith, that he hath received of late Notice, that there is Notice taken, and Misinformation made of Words which he should speak; viz. that after we came from the Conference with the Lords (who gave us Notice that we could not fit any longer) that he then faid, he would not have any Bu-

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finess then done or resolved on; and gave his Reafon, because Passion was no good Counsellor: and he also then said, that Trade was overthrown by Monopolies, and that Monopolies were maintained by Corruption. He faith, that it was spoken by him fuddenly and with Passion, he being then very sensible of the Decay and Want of Trade of that Town. for which he ferveth: - That he taketh Corruption to be in this Case, when for Money a Monopoly is procured upon false Suggestions. The other Words, which he was faid to speak, were these, that the whole Kingdom was out of Frame; and that it was for the King's Honour, that no Bills should be passed this Adjournment. To this it was faid, by the Master of the Wards, that he did flander and tax his Majefty; and that none must think to delude the King with Words, for we had to deal with a wife and judicious King. To these Words he answereth, that he taxed not his Majesty; that he, in his former Speeches, took Occasion, on the Business of the Masters of the Chancery, to commend his Majesty's Government; faying, that, amongst all the Complaints that were brought into the House, it was a great Honour to the King, that none of the Judges of the Law were fo much as blamed; which sheweth the wife and provident Care of his Majesty, in the Government of the Kingdom, whereof Justice is the chief Part.

It is by Question resolved here in the House, that Sir Edwin Sandys is free from having given any just Cause of Offence (either by these Words or any other that he hath uttered in this House) either to his Ma-

jesty or any other Person.

SIR Samuel Sandes desireth, that all Question of any Offence, for any Words spoken by any Member of this House, may be also cleared here by the Sentence and Opinion of this House. He saith, that, after a Prorogation, our Privileges endure not above Fourteen or Fifteen Days; but, after an Adjournment, they

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they continue inherent in us, as if the House did sit:

—That in 27 Eliz. there was a Committee appointed to sit during the Adjournment; and that Committee did, at the Access, report the same to the House. He desireth to know, whether this Committee was ordered and appointed to sit, before there was Notice of the Commission sent from her Majesty for the Adjournment, or no; and, whether there were accordingly a Report of the Labours of that Committee.

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nt, ey THE Order of that Committee of 27 Eliz. doth recite, that that Committee shall sit, notwithstanding the present Adjournment to be had; which sheweth, that the Committee was appointed to sit, after the House had taken Notice of the Adjournment.

MR. Alford saith, that he heard Sir Edwin Sandys say some Things now, whereof himself hath heretofore spoken the like; for he hath here said, that he did pray to God to divert a Plague from this Kingdom; for that Corruptions, Monopolies and Briberies were never so great in this Kingdom. He saith, he hath not, to his Knowledge, said any thing here in the House that was amiss, or might not become an honest Man and a good Subject to say: and therefore will not (having the King's Word for Freedom of Speech) so much distrust any thing, as to desire to be cleared by the Opinion of the House.

SIR William Spencer saith, that no Man had had Cause to have doubted to be hereafter questioned for Words (seeing his Majesty's gracious Message, for our Liberty and Freedom of Speech, was here entered in the House) but that, since that Message was here entered, the Master of the Wards did here say, some would be questioned for some Words spoken here in the House; and yet did not name the Man, so as he might have been here by us, according to the Course of Parliament, either censured or cleared.

SIB George Moore would have all Men here cleared

cleared by the Vote of the House, to have spoken nothing here that deserveth to be questioned.

SIR D. Digs faith, that this Kingdom is one of the best of the World for Situation for Trading:-That his Father did long fince fet on Foot here a Proposition concerning the Manufactures; but they are now too much neglected, which undoeth this Kingdom, He hath now a Proposition to offer to the Consideration of this House, which hath Three principal Ends. 1. To bring an Advantage to the King in his Cuftoms. 2. It shall increase Shipping and Trade of Merchants. 3. That it shall be hurtful to no Man. And to these Ends he would have every Port Town rent their own Customs, and pay as much Rent to the King for their Custom, by a Mediation, as they have paid any Time these Seven Years; for now every Merchant comes here to London, like lean Kine, to grow fat by devouring the Trade and Merchants of the Out Ports: but, when they grow rich, they purchase Lands and go live in the Country; or else give over their Trade and turn Usurers, as most of the Aldermen of the City do. It is manifest, how the Trade of the Out Ports is decayed, by the Decay of the Port Towns and Havens; whereof Winchelsea in Suffex is a lamentable Spectacle: for there are Abundance of Vaults in that Town; and there was a very good Haven, whereof there is scarce any Sign or Memory left. He would have it, during this Ceffation, commended by the Members of this House to every Port Town, to consider of taking their Customs at a Mediation of Seven Years; for this will get the King 20000 l. per Annum more Rent for his Customs, than now he hath; for now the King letteth forth the Customs to Farmers here of this City, who will not pay so great a Rent as 160000 l. per Annum, which they now give, but they will gain by it; and good Reason there is they should do so, for they are at 16000 l. per Annum Charge to Officers to look to their Profit in the Out Ports of the Kingdom:-

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dom:—That now all, or the best Part of the Trade of Europe is reduced to London, Amsterdam, Leghorn, [...], &c.—That all the Deputies of the Farmers will and do exact Fees on the Merchants in the Out Ports; which by this Means will be prevented, and all Clamours of this Nature be thus staid. This will cause the Inhabitants of the Out Ports to take Care that Money, Wool, &c. and many other Things (prohibited to be transported) be not considered out of the Kingdom, as now they are, by the Connivancy of the Farmers' Deputies. He would have this propounded to all the Out Ports of the Kingdom, to which Places this will be a great Ease, that they may send up their Answer at our next Meeting.

MR. Towerson desireth, that Sir D. Digs may set down this Proposition in Writing, because it consisteth of many Heads, that the Londoners may give

Answer to it.

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SIR Edward Cooke faith, that this Motion of Sir D. Digs is a worthy Motion; for Freedom of Trade is the Life of Trade:—That Customers are called in Latin Publicani, and every one knoweth, that Christ called Publicans Sinners; and we may justly match and call Publicans Customers, and Customers Sinners; for they cozen and deceive both the King and Kingdom. He faith, he will never fear questioning for what he hath here faid; for he hath here ipoken Old English, which is Conscience. He knoweth he hath offended many, because it pleased this House to put him in the Chair at the Committee concerning Monopolies; whereby he hath proceeded the more carefully. He would have those of the Out Ports, who shall defire to farm their Customs, to offer good Sureties: but, for the better Furtherance of Trade, he would have an Order of Declaration entered here, that none of those Patents of Monopolies, which have been here condemned, should be put in Execution, during this Adjournment or Cessation.

MR. Sollicitor saith, that the Patent for keeping of Lights on the Sea Coast hath been here condemned as a Grievance; and, if the Lights shall be put down, or declared to be so, then none will maintain them: and so the Passengers' Ships may, for want of those Lights, perish or be cast away.

Mr. Secretary faith, that the King did encourage this House to present their Grievances to his Majesty, and he would hear and remedy the same: now, if we shall make and enter here such an Order, it will

cross his Majesty's gracious Offer.

MR. Speaker faith, that there was a Declaration in the House, that no Patent here condemned for a Grievance should be put in Execution, during this Cessation or Adjournment, before the King's Message, whereby his Majesty offereth to hear and remedy all Grievances, came to the House.

It is ordered, that it is the Opinion of this House, and that we declare that we hold it fit, that none of the Patents, condemned here for Grievances, shall

be executed during this Recess.

A Message from the Lords, to defire a present free Conference between both Houses, on Matters of great Weight and Consequence; and this to be of all the Members of both Houses.

Answered by us, that we will presently attend

the Service.

SIR Edward Cooke faith, that, when the Lords fend a Message to confer in general with us, then we use not to speak but hear, because we know not what will be propounded; but at a free Conference on a

particular Business we use to speak.

SIR Edward Cooke's Report of the free Conference with the Lords. Saith, that the Lord Treasurer said, he had Three Things to deliver us. 1. A Publication of the King's Pleasure. 2. An Election left by the King to the Lords. 3. A Royal Wish from the King. That the King had consulted with all the Judges of the Kingdom, who say, that the Adjourn-

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ment propounded formerly would be no Prejudice to the Business in Hand; but that all remained in Statu quo prius: and that the King would, if their Lordships liked of it, have this Sitting continue Ten Days or a Fortnight longer; and that his Majesty left it to the Election of the Lords to choose, whether they would have it continue till this Day Fortnight, and so make it a Sessions; or give over prefently, and so let it be but an Adjournment:—That their Lordships did forbear to send the King an Anfwer, till they had conferred with us, we being all of us but as one Body. For the Third Matter, the Wish, that his Majesty did wish, that, as at the Beginning of the Parliament there was a joyful Correfpondency between the King and his People, that all cried Vive le Roy, so he wisheth there may now be as happy and loving a Departure:—That their Lordships do give us Time till Three of the Clock this Afternoon to make our Election, and then we are to return Answer to their Lordships:—That the Lords is) did defire, that both our Houses might join in a Mesfage of humble Thanks to his Majesty for his gracious Offer.

### Saturday, June 2. Afternoon.

MR. Delbridge would have the Parliament ad-

journed, and not the Sessions determined.

MR. Neale would have some Bills passed, and yet the Parliament but adjourned; for, if we should have a Sessions, there would be near an Hundred good Bills left unpassed, albeit we should despatch as many Bills as we could finish between this and the Time prefixed.

SIR Thomas German saith, it hath pleased the King to leave the Election to the Lords, who offer it to our Choice, of a present Adjournment, or a Prorogation a Fortnight hence. He thinketh, we shall do best to let all the Business of the House lie still and rest, as it now standeth; in hope to find it here as

we

we leave it: for he is confident, we shall find the King full of the same Grace and Favour as (we may affure our Country) we now leave him, if we return with the same Duties.

Sir William Stroude faith, he hopeth, that there is no Man that doubteth we shall meet here again, albeit the Sessions should end. It is a gracious Favour from the King to offer this Election; and he would have us leave it to the Lords to elect, which they please, either a present Adjournment, or a Proroga-

tion a Fortnight hence.

SIR Edward Mountague saith, that, since we have an Election given us, he would not have us return the disposing of it to the Lords or King again; but would have us make Election of a present Adjournment: for, otherwise, we should lay a great Charge on all those who have preferred private Bills, and we should also cast away many good public Bills, and cast back many good Grievances. He would have us return all humble Thanks to his Majesty, and that cheerfully: he would have no Committees to sit during this Cessation.

SIR Richard Grofvenor faith, he would be glad, if it might be, that we might fit this Fortnight, and pass some Bills; and then have an Adjournment.

MR. Treasurer saith, that the King hath been very gracious unto us in leaving this Choice to the Lords, and they to us; and he is consident that our Acceptance of either will give the King as much Content, the one as the other.

MR. Sollicitor would not have us make a new Proposition to the King, but cheerfully accept of one of the Propositions, and he thinketh an Adjournment the best; for, if we sit a Fortnight longer, yet shall we not perfect the Business which lieth on our Hands, so as to have a Sessions; and by Acceptance of an Adjournment we shall approve and confirm the King's Judgment.

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It is by Question resolved, that we do rather choose and accept of a present Adjournment, than of a Prorogation a Fortnight hence.

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MR. Nove faith, that there is a Note delivered to him, amounting to the Sum of 30 l. and above, for Copies taken out of the Tower during this Sessions, and for Fees to Clerks Searchers, and for Officers' Hands to the same. He desireth to know the Pleafure of the House, who shall pay for the same.

SIR Edward Cooke faith, that fuch Fees have ever used to be paid and discharged by all the Members of this House; every one contributing something to the Charge thereof.

SIR Ed. Sandys would have us, at the Conference with the Lords, this Afternoon, concerning our Election of an Adjournment, 1. To acknowledge our humble Thanks to his Majesty, for his Grace and Favour to both Houses of Parliament. 2. To declare to their Lordships our Election, with the Reasons thereof. 3. He would have us conclude (because this is like to be our last Meeting with the Lords) with our Acknowledgment of their Lordships' Love and Respect to this House, in the Correspondency that hath been continued by their Lordships, during all this Time of Parliament; and to acquaint them with our Wish of the long Continuance of this Correspondency.

SIR D. Digs would have us express the Reason of our Choice of a present Adjournment, rather than a Prorogation after Five Days more; for we could have no more than Five Days for to despatch any Bills or Business here: for it will require One Week to settle the Business of the House as it was, before we did this last Week disjoint it; and we can have but a Fortnight's Liberty to sit, if we would make it a Sessions.

Mr. Alford saith, that heretofore the Judges have been very wary, and would not meddle to deliver their Opinions of what belongeth to the Jurisdiction of a Parliament. He would have them warned of it; [214] for it were dangerous for the State and Liberty of the Subject, if the Parliament should stand on the Opinion of the Judges: for it is usual, that the Parliament hath judged the Actions of the Judges; but never, that the Judges have meddled with the State or Business of a Parliament. He desireth that they may have a Warning, how they censure or deliver their Opinions of the Privileges of a Parliament.

MR. Secretary faith, that it is true, that this Morning the Judges did, on the King's Command, attend his Majesty; but they did only declare their Opinions

on the Case of 27 Eliz.

SIR Edward Cooke reporteth, that he did deliver the Message, as Sir Ed. Sandys moved it might be delivered: viz. 1. Acknowledging our humble Thanks to his Majesty for the Liberty of Election. 2. The Election that we made, viz. of an Adjournment rather than a Sessions. 3. Of our Desire of the Continuance of the good Correspondency that hath been betwixt both Houses.

SIR D. Digs saith, that he said, that it was a Joy to see, after Six windy Days, a fair Evening:—That he had Three Things to acquaint their Lordships withal. I. Concerning the Trade of the Out Ports. 2. Concerning the Want of Money. 3. Concerning the Kingdom. That we desire their Lordships would be pleased to take Consideration of these Things; and to desire his Majesty to give some Liberty for Remedy of Trade; for the increasing of Money; and for Restraint of the Exportation of Ordnance

It was moved, that we should give Thanks to his Majesty for his Grace and Favour, in giving the Liberty of Election of a present Adjournment, or a Prorogation after a Fortnight: but, because the Lords had undertaken to give such Thanks to his Majesty from both Houses, and also to acquaint his Majesty with our Three Requests, delivered by Sir

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D. Digs, and for that also the King is out of Town, at Greenwich, it was thought fit for us not to prefent our Thanks to his Majesty by a Messenger of our own, but we joined herein with the Lords.

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Elwick, who did exhibit a Petition to this House, in the Name of Anne Bateman, Widow, his Mother in Law, against the Lord Scroop, the Masters of Requests, Mr. Attorney, Sir Pet. Chapman, and Mr. Wetherhead, a Member of this House, is called to the Bar, to put in Sureties to stand to the Censure of this House, if he shall not prove what he hath alleged in his Petition.

SIR Thomas Wentworth saith, that Examination should precede Judgment:—That he maketh no Question, but this Business will turn to the Honour of the Lord Scroop and those others who are charged by Elwick's Petition. He moveth to have Elwick bound to proceed in his Petition.

A Message from the Lords, that they, in Obfervance of the good Correspondency between the Houses, have resolved, that Twelve of their House shall join with Twenty-four of this House, to attend the King Tomorrow at Greenwich, at Two o'Clock (if his Majesty please) concerning the Business propounded at the last Conference between the Two Houses; and to give his Majesty humble Thanks; and that their Lordships will carry with them into the Country the same Affection and Desires of the Continuance of the good Correspondency with this House, as hath been between both Houses during this Parliament; and that their Lordships will also bring the same hither again.

Our Answer is, that Twenty-four of the Members of this House shall attend the Service as is defired; and that we do embrace with great Alacrity their Lordships' Desire of a good Correspondency between both Houses:—That our Messengers shall attend at the Time and Place as is desired; and that

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we desire, that he, whom their Lordships do appoint to be Speaker for them, may also be Speaker for us.

AND, according to this Answer, it was here in the House ordered, and a Committee appointed; and Mr. Sollicitor was to make Report thereof to the

House on Monday.

ANOTHER Message from the Lords, that their Lordships thought good to give us Notice, that it pleaseth the Prince's Highness to deliver the Thanks of both Houses to his Majesty; and the Lord of Canterbury is appointed to deliver the Petitions of both Houses to the King, viz. those that were propounded at the Conference from us by Sir D. Digs.

WE return for Answer our double Thanks to

their Lordships.

IT is ordered, that Mr. Sollicitor shall report to the House the Message delivered to his Majesty from both Houses.

Ir is commanded and ordered by the House, that Elwick shall appear and prove (if he can) his Petition against the Lord Scroop and others, within a Fort-

night after the next Access.

It is declared and thought fit by this House, that the Warden of the Fleet (being now at the Bar) on Pain of the Contempt of this House shall treat and use the Prisoners kindly and honestly, both for their Goods and Persons; and that he shall not exact from them any more Fees than are due and justifiable; and he is by this House enjoined to appear and answer, at the next Access, the Objections made against him by his Prisoners.

It is ordered, that the Bonds taken by the Merchants of the Staple, to make some free of their Company, shall be sued by the Staplers, before the next

Access.

### Monday, June 4.

MR. Hackwell saith, that Sir James Whitlock's Man, called Johnson, is a menial Servant to the said Sir James

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the B this I Forgi James Whitlock:—That the Execution, on which the faid Johnson was arrested, was for Money recovered on an Action of Battery:—That Locke, Foulke and Moore, who were the Parties and Witnesses in the said Cause, were the Men that arrested the said Johnson:—That they said, they would take a better Man than the said Johnson from a better Man's Heels than Sir James Whitlock, albeit he were a Parliament Man.

Moore and Locke, being upon their Knees at the Bar, deny that they knew Sir James Whitlock to be a Parliament Man, when they arrested the said

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Robert Shipway examined faith, that he was not present when the said Johnson was arrested; but there was the said Moore, Locke, the Bailiss, and Foulke present, when he came to them, and then they had the said Johnson in Arrest:—That he told these Three Men, that Sir James Whitlock was a Member of this House; and then Foulke answered, that he knew great Men's Servants taken from their Masters' Heels in such a Case:—That he, by the Command of the Lady Whitlock, paid the Money due on the Execution, whereon Johnson was arrested, and thereupon he was released.

ANOTHER Witness, being examined in the House, saith, that he thinketh Moore said, he knew a better Man's Servant than Sir James Whitlock arrested and taken from his Heels, albeit he were a Parlia-

ment Man.

It is declared, that, if the Body of Johnson had been in Arrest, this House might and would have delivered him; but, fince the Money is discharged, we cannot cause Restitution of the Money.

It is ordered, that Moore and Locke shall, here at the Bar on their Knees, acknowledge their Fault to this House, and to Sir James Whitlock; and ask Forgiveness both of the House and of Sir James Whitlock.

M m 2

BEFORE

Man, d Sir James BEFORE this Sentence was fully finished, the House thought fit to hear a Message, which staid at the

Door, from the Lords.

A Message from the Lords to let us know, that their Lordships find Sir Ed. Villars clear of all that which was declared against him from this House to their Lordships: and their Lordships also send to us the Bill against Informers, with Eleven Alterations and Additions made by their Lordships.

It is further ordered, that Moore and Locke (having here acknowledged their Fault, and craved Forgiveness, as before) shall also both of them ride presently, from Westminster to the Old Exchange, on a bare Horse, Back to Back, with a Paper on each of their Breasts, wherein shall be written these Words, For arresting the Servant of a Member of the House of Commons.

ACCORDINGLY the said Moore and Locke, at the Bar on their Knees, acknowledged their Fault, and asked Forgiveness both of this House, and Sir James Whitlock: and a Warrant was ordered to be given to the Sheriff of Middlesex to see Execution, according to the other Part of the Sentence.

SIR Jo. Jephson is, at his own Request, by the Vote of the House, here cleared to have spoken here nothing in the House, but what well became an honest Man and a good Member of this House.

MR. Sollicitor's Report of the Message delivered Yesterday to the King, and his Majesty's Answer. That the first Thing that was to be delivered to his Majesty was the Thanks of both Houses for his gracious Favour for calling us, for continuing us together by his Grace and Favour so long, and for the Election left to the Lords: the second was the Petitions of both Houses. He saith, that the Prince's Highness, according to the Lords' Message, in history own Person did represent the dutiful Thanks of both Houses:—That his Highness's Speech was short, and the King was so well pleased with it, that all perceived

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perceived, that brevis oratio penetrat terram, as well as colum. The Lord of Canterbury, who was to deliver our Petitions, did excuse us, that we did not effect Bills, as it was left to our Election. Then he faid, that we first desired, that a Liberty of Trade, in the Manufactures of the Kingdom, might be given to the Out Ports of the Kingdom. 2. That we humbly defire, that there might be some Confideration had, by his Majesty's Council, for the Repair of the Want of Money. 3. That (for the Safety of the Kingdom) the Ordnance of the Kingdom might be kept within the Kingdom, and not . exported:—That the Archbishop did conclude, in the Name of both Houses, with a hearty Prayer, that it would please God to continue his Majesty's Care of the Commonwealth and of Religion: and afterwards his Grace, being put in Mind, did acquaint his Majesty, that the Houses had chosen rather an Adjournment than a Prorogation; and withal delivered the Reasons for such our Election. That it pleased the King to give Answer to the Effect of Two Parts of these Things: 1. Resp. Concerning the Adjournment: 2. Concerning our Petitions. For the first, touching the Adjournment, his Majesty did défire, we would remove all Jealousies from us: -That his Majesty at first alleged no Reasons but fuch as were true and just:—That we needed not to have delivered the Reasons, sent by the Lord of Canterbury, for his Majesty did not need them :-That it did not well become us to discuss of those Reasons he sent us. He wished us to look back and remember, with how much Affection his Majesty approved of our first Actions before Easter. His Majesty said, that he now gave us a Week's Warning for a Cessation; which was a longer Time than was ulually given us in former Times:—That his Majesty perceived, that the House of Commons did, on Notice of his Majesty's Pleasure for the Adjournment, defift to meddle with any Bill; and yet we M m 3 defired

defired to have longer Time to prepare Bills :- That hereupon his Majesty gave us an Election of further Time, and yet we have chosen what we did at first diflike; which argued a great Inconstancy in us, His Majesty said, that we took a wrong Way to go to the Lords to join with us to petition him for a longer Time; and that made his Majesty leave to the Lords only, and not to us, the Election of an Adjournment or of a Prorogation, and that their Lordships should acquaint us with it; but, if we had fent Answer by Mr. Secretary, or a Messenger of our own, for further Time, he would not have stuck with us for a Fortnight longer: - That his Majesty meant to have done those Things in this Parliament, which had been done in no Parliament before:-That this House did very well till after Easter, but that then we went a little extravagant:—That we shall meet again in November, at the Day appointed; and then his Majesty will spur us on to our Business, that we may effect what we have begun, whereby we shall make his Majesty in Love with Parliaments; and then he would have them be as frequent with us, as his great Affairs would admit. He faith, that the King yielded to all Three of our Petitions:-That for the first his Majesty said, he knew it was a Business of Consequence, and worthy the Consideration of a Parliament; but it would hold the House very long, and therefore his Majesty would advise with his Council for to give Order in it. For the fecond, that he found, amongst other Causes of the Want of Money, the high Rates and other Faults of the Mint was one, and therefore his Majesty gave Order to his Privy Council to amend the fame; but his Majesty found, his Council was rather willing to examine the same, than suddenly reform it; but his Majesty will give express Charge to his Privy Council to take Care to prevent the Exportation of Money, and to remedy what may be the Want of Coin. For the

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the third, that it was his Majesty's Care to prevent the Exportation of Ordnance, whereof he would also give Command to his Privy Council: and, whereas others will take their Pleasures this Summer, it should be a Time wherein his Majesty will take more Care than ever he did at any Time, especially in those Things whereof we petitioned his Majesty, and of the like. His Majesty would have us go down with such good Hearts into the Country, as may there do good, and be for his Majesty's Service.

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SIR D. Digs faith, that it would do Good for the Members of this House to take Notice of the Proposition which he made; and that those of the Out Ports should not be too eager to farm their Customs, but that it might be done by a Medium of Seven Years

MR. Secretary faith, that the Farmers' Time for renting of the Customs is expired about Christmas next, and there are Letters already abroad, that all Men may take Notice of it, to see who will rent the same:—That he would have some Order, that the Burgesses of the Out Ports may privately take Notice of it, and so prepare their Propositions, and send Notice of it, that something may be done before Christmas.

THE Master of the Wards saith, that, let the Burgesses of the Out Ports make never so much Haste into the Country, there will be Order taken, before they come home, for their Ease and Liberty of free Trade.

MR. Delbridge defireth, that the Out Ports may have a true Note of the Customs of every Out Port; whereby they may know, for what Medium they may rent their Customs.

THE Master of the Wards undertaketh, that those of the Out Ports shall have a Medium of the Customs of all the Out Ports of the Kingdom, and of the Customs of London also; and that they shall see the Books, to see that the Medium shall be true,

and

and according to what is mentioned in the Custom Books.

SIR James Parrett saith, that the House hath taken great Care for the farming his Majesty's Customs, and for the Port Towns, that they might farm them: but he thinketh, though this were necessary, yet one Thing else is most needful; which is, to provide for that Port which must be the surest resting Place, and which will procure us a perpetual Reft, when the Merchandise, Trade and Traffick of this Life shall have an End; and that is, the Maintenance of true Religion; the Knowledge, Conscience and Confideration whereof is the Encyclopædia, that is, the Circle which contains in it all other Circles; whose Circumference is the Glory of God, whose Centre is the Salvation of Souls and eternal Felicity, whose direct Lines are Piety and Truth, whose oblique and involved Angles are Superstition and Error. He faith, that fince the Knowledge, Profession and Practice of true Religion was so powerful, precious and profitable unto the Souls of Men; fince the fame was now fo much diffressed abroad in foreign Parts, and fought to be endamaged and endangered here at home; fince the deplorable Estate thereof had been already fully set forth by fome good \* Members of this House, well known, and, as he hoped, fenfibly felt by all the Members of the same; since also the King's Majesty, at the Beginning of this Parliament, in his public Speech, represented the Danger of Religion in general, and of the Palatinate in particular, with this princely and pious Protestation, That, if the fame could not be recovered by Treaty (whereof he had some Hope) he would then adventure his Blood and Life in the Cause; wherefore the Mover humbly befeecheth the House, that in the Cause of Religion (which is God's Cause) and in the Cause of

\* Sir Edwin Sandys.

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his Majesty's Children, for Maintenance of the Patrimony of that Royal Progeny, they would, before their Departure, make a public Protestation and Declaration, That, if Religion and Right may not be restored by Treaty and peaceable Means, that then, upon our Return to Parliament (being thereto required by his Majesty) we would be ready to adventure the Lives and Estates of all that belong unto us, or wherein we have Interest, for the Maintenance of the Cause of God, and of his Majesty's Royal Issue. And for that Purpose, such Declaration being here made, he would that the fame, by Resolution of the Question, and by public Protestation might be both testified here, and also entered in the Clerk's Book, that it might not only remain here on Record to be feen and followed, but, being divulged, it might oblige us all to the Performance of this Promise, discharge our Duty to God, and more facilitate the Treaty, which his Majesty hath in Hand with foreign Princes, concerning this Cause; or at least enable his Majesty to relieve the Distresfed, to rescue Religion, to recover the Palatinate, with the Patrimony of his Daughter's Children, and to perform the princely Promise which he made.

This Motion thus made was entertained with much Joy and a general Consent of the whole House, and was seconded by some worthy \* Members of the same, who shewed divers Reasons why we should make here such a Declaration; viz. because that the Reputation of the Arms of Princes is of as great Defence and Consequence as their proper Force, and that now, while the Parliament sitteth, the King hath his Sword drawn; for the whole Kingdom is then ready, both with Purse and Arms, to affish the [218] King in the Business of the Palatinate, whensoever

his Majesty shall be pleased to command.

SIR Ed. Cecil faith, that he thinketh this Declaration is come from Heaven, and believeth that it

<sup>\*</sup> Sir Robert Phillips, Mr. Beecher, and others.

will work better Effects with our Enemies, than if

we had 10,000 Soldiers on the March.

SIR Nath. Rich faith, that he doth much rejoice to fee this general Declaration be here approved with fuch an Acclamation; for that this will shew to the World, that we are not insensible of the Sufferance of those of our Religion, nor of the Wrong done to the Count Palatine.

This Motion was entertained with much Joy and a general Consent of the whole House, and sounded forth with the Voices of them all, withal lifting up their Hats in their Hands, as high as they could hold them, as a visible Testimony of their unanimous Consent; in such Sort, that the like had scarce

ever been feen in Parliament.

Then there grew a little Question, whether we should enter this our Declaration of our general Resolution, to spend our Lives and Fortunes for the Defence of those of our Religion and of the Palatinate: but it was resolved, after a little Debate, that it should be entered in the Clerk's Book, to remain on Record, as our Declaration; which done, the House selected a Committee of all his Majesty's Privy Council, that were Members of this House, together with Sir James Parrett and some other selected Members, to draw up the Declaration of the House's general Consent in this Cause, and for to set it down in writing, that it might be entered and remain registered with the Clerk of the Parliament House.

SIR Dud. Digs moved, that the Privy Council of this House might, from the House, beseech his Majesty not to use any Delay in the Treaty for the Palatinate; for our Resolution is such as we have de-

clared before.

WHILST the Committee was drawing up of this Declaration, Mr. Damport was called into the House; and being on his Knee at the Bar, and there having his Sword by his Side, the Serjeant was blamed by

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the Speaker, for permitting him to come into the House (being a Delinquent) with his Sword: whereupon Damport delivered his Sword to the Serjeant here in the House.

THE Speaker charged Damport for misinforming of this House with that which he, on his Oath, denied before the Lords.

Mr. Damport answereth, that, when he was called here, he was bold to deliver his Thoughts as well as his Knowledge; but, when he came before the Lords, on better Consideration, he could not justly say, he knew that Dr. Field, the Bishop of Landaff, should have any thing:—That, for himself, he was not to have any thing on Contract, but only his Friend told him, he should have a competent Portion out of it. He humbly, of himself, on his Knee beggeth the Pardon of this House:-That when he spake here it was so suddenly, that he spake what he thought as well as what he knew; but more mature Time brought that Business better into his Remembrance, and therefore, if he hath erred, he humbly fubmitteth himself to this House, and craveth Pardon for his Fault.

THEN, Damport being withdrawn,

SIR Francis Seymour would have us use Mercy in Judgment. He would have Damport judged to confess here at the Bar on his Knee his Fault, and ask Forgiveness for it of the House, and so he should be discharged.

MR. Sherfield faith, that every Seffions affordeth not such Examples, and therefore he would not have us let this slip unpunished; for that will breed Contempt of the House in such as shall be here at any Time examined. He would have us make here an Example of one that dares tell an Untruth here, whereby he hath drawn us aside, and made us give a wrong Information to the Lords. He censureth him to be imprisoned in an ordinary Prison, during the King's Pleasure, and to pay 100 l. Fine.

It is ordered by Question, that Damport shall be fent hence to the Tower, there to remain Prisoner for a Month; and then, paying his Fees, he is to be delivered at Liberty.

This Sentence is delivered by the Speaker, against

Damport kneeling at the Bar.

When the Committee had drawn up the Decla-(219) ration (which, whilst Damport was censuring, they finished) it, being reported and publicly read in the House, was received with a general Approbation and like Acclamation of Joy, by Assent of Voices and lifting up their Hats in their Hands, as was done when this was committed to the Committee.

THE Declaration was as followeth:

THE Commons affembled in Parliament, taking into their most ferious Consideration the present Estate of the King's Children abroad, and the general afflicted Estate of the true Professor of the fame Christian Religion, professed by the Church of England, and other foreign Parts; and, being touched with a true Sense and Fellow-feeling of their Diftreffes, as Members of the same Body, do, with one unanimous Consent of themselves, and of the whole Body of the Kingdom (whom they do reprefent) declare unto his most excellent Majesty, and unto the whole World, their hearty Grief and Sorrow for the same; and do not only join with them in their humble and devout Prayers to Almighty God, to protect his true Church, and to avert the Dangers now threatened, but also with one Heart and Voice do folemnly protest, that, if his Majesty's pious Endeavours by Treaty, to procure their Peace and Safety, shall not take that good Effect he defireth, (in the Treaty whereof they humbly befeech his Majesty to make no long Delay) that then, upon the Signification of his Pleasure in Parliament, they shall be ready, to the uttermost of their Powers, both with their Lives and Fortunes, to affift him; fo as by the divine Help of Almighty God (who fhal may pea

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(who is never wanting unto those, who, in his Fear, shall undertake the Desence of his own Cause) he may be able to do that by his Sword, which by peaceable Courses shall not be effected.

It was ordered, that this Declaration should be here recorded in the Clerk's Book, and every Man

that would might have Copies of it.

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AND fo, this being the last Act done by our House at this Sitting of Parliament, presently a Commission under the Great Seal came down from the Lords, to whom the King fent it, for the adjourning of the Parliament till the 14th of November next. There came (as Messengers from the Lords) with the faid Commission the Lord Chief Baron Tanfield, Justice Warberton, Justice Doddridge, Baron Bromley, Sir Ran. Crue, one of the King's Serjeants at Law, and Mr. Attorney Coventry. These Messengers signified to us, that the Lords, according to his Majesty's said Commission, had already adjourned their House; and they further also signify, that it is his Majesty's Pleasure, that, during this Ceffation, all Committees and other Parliamentary Business shall rest in the same State as they are in, till our next Meeting. The Messengers deliver us the Commission to read, but we (having no Precedent for the reading of it) do not think fit to read the fame.

THE Messengers, having withdrawn themselves, till the Speaker understood the Pleasure of the House concerning the Answer which should be given to the Lords, are again called into the House, and receive for our

Answer, that we will adjourn our House, according to the King's Pleasure, signified by that Commission (which the Speaker redelivereth to the said Messengers); and all Committees shall also accordingly rest, and continue in the same State as they are, till our next Meeting.

THEN

THEN Sir Edward Cooke, one of the King's Privy Council, with Tears in his Eyes, standing up, said the Prayer (which is in the Common Prayer Book) for the King and his Issue; adding only to it, and defend them from their cruel Enemies.

THEN the Speaker, standing up, adjourned the Parliament, saying, "This House doth adjourn it." self till the 14th of November next, then to meet in this Place again in Parliament, at Nine of the

" Clock."

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After the Cessation in the long Summer Vacation.

Wednesday, November 14, 1621.

THIS Day both Houses of Parliament met in their several Houses, according to the last Adjournment, and did now adjourn (according to the King's Pleasure, signified by his Majesty's last Proclamation for that Purpose) their said several Houses again, till Tuesday the 20th of this Month, to this Place, at Eight of the Clock in the Morning.

THE Lords (before we adjourned the Parliament) fent us, by Two Judges, Attendants in that House, the Commission whereby the King's Pleasure was, according to the usual Course, signified, that the Parliament should be adjourned as before.

SIR Jeremy Horsey (before the Commission came from the Lords) moved, that we would appoint a Preacher to preach before us on Tuesday Morning, being the first Day of our Meeting: but the House, being we came only to adjourn the Parliament, would make no Order in this or any other Business; and therefore there was therein nothing done, nor any other Motion made by any Member of the House.

After the Adjournment made the 14th of November, 1621, till

Tuesday, November 20.

SIR Edward Cooke repeateth, how Bills stand which are in this House, according to a Note delivered by the Clerk. He saith also, that this House, at our last being together, did appoint Three several Sorts of general Committees. 1. For Grievances. 2. For Decay of Trade and Want of Money. 3. For Corruptions

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Corruptions in Courts of Justice. He would have the House first to consider how we left all Businesses at our Departure, and how they now stand, that thereby we may the better know how to proceed, and distribute the same into the same Order we did at our last being together. He would have those Bills which remain here engrossed to be first read, and then put to the Question; that both those and such as remain here (being already passed this House) may be sent up to the Lords presently; and that the Messengers may put their Lordships in Mind to pass those they have in their Hands.

MR. Alford would not have any engroffed Bills read for the passing on this Day, being the first Day of our meeting, after so long a Recess; but would have us stay a Day or two before we begin to read any engroffed Bill; for we remember not suddenly what was done before the Recess, nor for what Reafons we suffered such Bills to be engrossed:—That it was never the ancient Order or Course of Parliament to pass Bills on the first Day of the Houses'

Meeting, after so long a Recess.

IT is ordered, that the engrossed Bills shall be read here for the passing on Thursday next, in the Morning; and that the Titles of all the engrossed Bills be now read, that any Man that please may be the better provided to speak to any of them, at the Third Reading.

IT is ordered, that the Titles of all the public Bills in the House shall be presently read, to see how they stand, that such as are ready for Commitment may be committed; which was accordingly presently

performed.

SIR Rich. Grofvenor moveth, that Mr. Speaker may have Order to cause a Writ to go forth, for the Election of some to serve here in Parliament, in the Places of \* such as are removed hence.

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<sup>\*</sup> Sir Ed. Mountague removed, because he was created Lord Mountague of Boughton; Sir Foulke Greville, Chancellor of the Exchequer, created Lord Brooke; Sir Lionel Cranfield, Master of the Wards, created Lord Cranfield of Cranfield.

SIR Edward Cooke saith, that after the Death, and on double Returns, the Speaker may, without Order from the House, send a Warrant for the Election of new Burgesses in their Room: but he may not do it, when any Member of the House is removed (as these are) but by especial Order of the House, on Motion here.

It is ordered, that Mr. Speaker shall send for Writs, for the Election of some to serve in this House, in the Places of those who are removed hence by being called to be Lords, and so do serve in the

Upper House.

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A Message from the Lords, that their Lordships desire to have a Meeting with this House, that we may understand a Message sent by his Majesty (who, by some ill Disposition of Health, is forced to be absent) by the Lord Keeper, to both Houses; to which End their Lordships do desire (if it will stand with the Occasions of this House) that our whole House meet with the whole House of their Lordships Tomorrow, at Two of the Clock in the Afternoon, in the Painted Chamber.

Our Answer, that we will attend that Service, at

the Time and Place as is defired.

SIR Edward Cooke would know, whether our Speaker should attend to hear the Message, sent by the King to both Houses; for, if he go not, our's is

no House, but a Committee.

MR. Alford faith, that he taketh, that this our Meeting with their Lordships is but as a Committee; and it was never known that the Speaker of our House did attend any Committee, or at any Time, but when the King himself was present, or that there was some Commission from his Majesty.

SIR Jo. Strangewayes faith, that Sir Tho. Thynne, a Member of this House, is pricked Sheriff for Gloucestershire. He desireth to know, whether the House will dispense with his Attendance here; or otherwise set down, how he may dispense with his Vol. II.

N n Conscience,

Conscience, having taken Oath to be resident in that County, during the Time of his Sheriffalty.

MR. Alford faith, that there is no Parliament Man but knoweth, that Sheriffs have usually served here, during the Time of their Sheriffalty; and he hath known, that, when they have asked Leave of the House to attend at the Assize, sometimes they have had Leave, and sometimes they have been denied it.

SIR William Bowlstred saith, that he was pricked down Sheriff of his County, when he was a Member of this House, and was forced to serve, by Order of the House, that Office, notwithstanding he moved the House, that he might be discharged of the same.

It is the Opinion of the House, that Sir Thomas Thynne shall serve his Sheriffalty, notwithstanding he

is a Member of this House.

MR. Glanvile saith, that, in the West Country, there are many Ships ready to go a fishing, which are now staid by Letters from the Lords of the Council, at the Procurement of Sir Ferdinand George; who hath a Patent for the sole fishing in certain Places of America, or the Coast thereabout. He desireth that this House would be pleased to order, that the poor Fishermen may be released, and permitted to go their fishing Voyage, which is all the Living they have.

MR. Neale faith, that Sir Ferdinand George was with the Committee about his Patent, and faid as much for his Patent as could be faid; and yet, notwithstanding he saw the Intent and Course of the Committee, he presently, in Contempt of all, procured those Letters from the Lords, and persecuted the poor Fishermen as violently as ever.

SIR War. Heale saith, that, on Complaint of the Fishermen, the now Lord Treasurer Cransield gave Order, that the Fishermen should go their Voyages,

and answer any Fault at their Return.

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It is ordered, that this Patent shall be brought into the House on Friday next, and that Sir Ferdinand George's Son, who is in Town, shall have Notice of it.

" An Act for the abbreviating of Michaelmas " Term." This Bill is committed.

SIR Edward Cooke would have us be very wary and cautious in cutting off the Term. He faith, it is feasible, but he would have us advise of it: That Trinity Term was the longest Term of the Year; but, by Reason of the Heat of the Weather at that Time of the Year, and for other Reasons, it was made shorter, in the Time of H. 8. and it was well done, and therefore he would have the Precedent of the cutting off that Term followed; for, if we take Two Wheels out of a Clock, if we be not

very circumspect, all the rest will slip.

SIR Rob. Phillips faith, that nothing importeth more this House, than the Privileges of it, which may be destroyed as well in the active Part as paffive: - That for the active Part, he faith, it is a Cry in the Country, of the Grievance grown by the Number of Protections, granted by the Members of this House, and that of the Lords; and therefore he defireth, for the Remedy hereof, the Committee of Privileges may confider of fo much as concerneth us: and for the passive Part of our Privileges, that the House would likewise see who of this House hath + fuffered; and, to that End, he defireth the House may be called Tomorrow, that we may see who are wanting; for he miffeth fome, and others, he heareth, abient themielves.

Mr. Brooke faith, that in H. 8. Time there was a Privilege granted in a written Book, that the Members of the Parliament may protect all their Servants Familiars, and the printed Book hereof faith,

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<sup>+</sup> It was Sir Edwin Sandys that had fuffered; and Sir Samuel Sandes and others who absented themselves.

their Servants and Familiars. He would have all the Members of this House called, and asked, whom they protect; and, if they protect other than their Servants and Dependants, that they should discharge them, on Pain of Expulsion of the House, or some sharp Censure.

MR. Mallary defireth to know, what is the Cause

that Sir Edwin Sandys is missing.

SIR James Parreit would have the Committee appointed for the Privileges of this House, to consider of all Protections granted by any Members of this House; and that all such as have given Protections, should give Notice of such as they have protected to the Committee.

The Order and Opinion of this House, made here at last Meeting, was now read by the Clerk, containing to this Effect; viz. That the Members of this House may protect all their Servants, as well their Husbandmen, Bailiss, or other Officers in the Country, as those who attend on their Persons: and that, if any such should be arrested, during the Cessation, which was then shortly to be, then the Speaker, on Complaint made thereof to him, shall send a Warrant to discharge such as should be arrested.

It is ordered, at the Motion of Sir Edward Cooke, that we will not look back to what is past, but that all such as have given Protections, other than to such Servants as before, shall call them in, or otherwise they shall undergo the Censure of this House: but because it may be, all cannot be called in, it is the Declaration of this House, that they do disavow all other Protections, than as before. And it is also ordered, that they who do disavow all such Protections accordingly shall not incur Censure here, though they call not them all in: which last Part of this Order was made on the Motion of Sir Ed. Sackville; because, he said, he did not remember the Names of all those to whom he had given Protections.

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By a House that we tions. And it is especially also, Thirdly, ordered, that those who grant any Protections from henceforth, other than to such Servants, as is before mentioned, shall be called here to answer it at the Bar, and there be censured for it.

## Wednesday, November 21.

"An Act for the Election of Knights, Citizens, L. 1.
"and Burgesses to serve in Parliament."

By this Bill, the Sheriff shall make Proclamation within Twenty-one Days after the Receipt of the faid Writ, and Six Days before the Election, in the Market Place of the City or chief Town of every The Sheriff hath Power, at the Election of the Knights of the Shire, to call any Man that shall be suspected not to be a Freeholder, or not to have lived in the County resident half a Year before the Election, and examine him on Oath, whether he be a Freeholder, or hath lived in the faid County, as before: and, if such Person shall refuse to be deposed, or shall be found to be one that ought not to give Voice at the faid Election, then the Sheriff shall imprison such Person for a Month, without None shall be chosen Citizen or Burgess for any City or Borough, who is not of that City or Borough, or hath not lived in fuch City or Borough, or is not Steward or Recorder of the same. No Letter for the Election of any one shall be read or published, at the Time of the Election of any Burgels, &c.

"AN Act for the Restitution of the true and ne- L. 24" cessary Use of Writs of Ad quod Damnum, or "Commissions in the Nature of such Writs."

It is committed.

By an Order of this House made Yesterday, the House was this Day called, every Man by his Name, that we might see and know who is missing. The Reason

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Reason of this exact Enquiry at this Time was, because that after the last Sitting Sir Ed. Sandys, a Member of this House, was committed to the Custody of the Sheriff of London, for something (as the House conceived) that he had said or done here, at the last Sitting; which, if the Cause were as the House conceived it, was contrary to the Liberty and Privilege of Parliament.

MR. Giles Bridges, who was sequestered this House for the Business of Sir Giles Mompesson, with whom he was a Patentee, being now missed on the calling of the House, is, at the Motion of Sir John Strangewayes, by Order of the House, to be sent for, to sit here again as a Member of this House, he being found nothing faulty, and only his Name used as a

Patentee in that Business.

WHEN Sir Edwin Sandys was miffed, on the calling of the House, the Speaker delivered a Letter, sent him from Sir Ed. Sandys; whereby he signified, that he received a Discharge from the King of his Consinement, bearing Date the 6th of November; and that he would have attended this House, but that he is very sick, and therefore desireth the House will be pleased to pardon his Absence.

WHEREUPON the House was, at this Time, con-

tent not to call on him.

SIR Edward Cooke saith, that Sir Jo. Vaughan (who was a Member of this House) being made a Baron of Ireland, he thinketh, ought to serve here:

—That, if the King make any one a Baron under the Great Seal of England, he is a Baron of England, and it was so resolved in 39 Ed. 3. though he be a Baron of a Place in Scotland or Ireland, or any other Place. Sir Hen. Carey is made a Baron of Scotland under the Seal of Scotland, and so he is a Baron of Scotland. If Sir Jo. Vaughan be a Baron of Ireland, he is to be tried here (and so are all such as are Barons of other Kingdoms or Dominions) not by his Peers, but by an ordinary Jury; for he is here but a titu-

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titulary Baron. He is a worthy Gentleman, and may ferve here as a private Man; for there are here titulary Lords, who ferve amongst us, as well as he.

SIR Sam. Sandes faith, that Yesterday, at the rising of the House, he seeing one quarrelling with Mr. Tim. Living, a Lawyer and Member of this House, whom the Fellow calling Knave, Mr. Living laid hold on him; whereon the Fellow threw back his Cloak, and laid his Hand on a Pistol, which he had by his Side; whereupon Sir Sam. Sandes laid hold on the Pistol, telling him, that that was a Writ not returnable in Westminster Hall, and that therefore he would be Custos brevium; and so delivered the Fellow to the Speaker (who then came by) and the Pistol to the Serjeant, which Pistol was charged with three Bullets:—That he heard one say, that the Fellow said, as he passed by, that he would kill a Member of this House before he returned.

It is ordered, that this Fellow be committed close Prisoner to the *Gatebouse*; and Sir *Ed. Cooke* and five other Members of this House are appointed Committees to examine him forthwith.

## Wednesday, November 21.

AT the Conference.

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The Lord Keeper saith, that Antonius was ever afraid to speak after Crassus; and so doth he come with Fear, being to express the Voice of the wisest King of the Christian World: and he may be, and doth believe he is the more unwelcome, for that the Occasion of his speaking is from the Sickness of that King, who would otherwise himself have delivered to us his Pleasure. It is usual for Princes to employ mean Men to convey their Goodness to others:—That Christ himself chose his Speakers from the Barge, not the Bar: his were not chosen out of the School of Justinian, but out of the Boat of Fishermen:—That he is commanded to tell us, that

his Majesty is not altogether absent from us, his Son the Prince being here, who is royally furnished with his Father's Virtues. He divideth what he is to speak of into Six Parts or Circumstances. 1. The Antecedent of this present Meeting or Assembly. 2. The Occasion of it. 3. The Pattern represented to this Assembly. 4. The calling, or the Manner of our coming together at this present. 5. The Form of Imitation for this Assembly, 6. The Continuance

of this Assembly.

1. For the Antecedent of this Assembly, he faith, that St. Augustine was wont to blame those who lived retired, and were not busied in some good Actions; and fo did he those, who thought the King had no Care in the Vacation. He affureth us, that the King's Care of the Good of the Kingdom hath been no less in the dead Time of Vacation, than in the hottest Time of Employment; and that it might be truly faid of his Majesty, Nunquam minus solus quam cum folus: - That his Majesty hath had a special Care, and hath given Remedies to the Three (14) Points of our Petition, delivered to him by the Archbishop of Canterbury, at our last Recess; viz. 1. For Trade. 2. For the Exportation of Coin. 3. For the Exportation of Ordnance; and that his Majesty hath given Remedies to Thirty-six Grievances. And the King hath not bleft one only Kingdom with his Royal Care, but he hath extended it also to Ireland, and hath given a Commission for the rooting out of all Grievances and Inconveniences there, and hath done so much for the Good of that Kingdom, as Nobis nibil reliquit.

2. For the Occasion of this Meeting or Assembly in Parliament, he saith, that the King hath sole and free Power to call, prorogue, and finish the Parliament; and that we were like the Centurion's Servants: when his Majesty biddeth us go, we are to go; when he biddeth us come, we are to come:

That the Occasion of this Meeting was sought for only

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only by the Commonalty, and not by the King or his Council:—That the King granted the Desire of the Commonalty, and for it, and some Occasions of the Palatinate, hath caused the calling of this Assembly. He leaveth it to the Relation of the Lord Digby to shew, how the King hath endeavoured by Treaty to end the Business of the Palatinate, and how his Majesty is encouraged to try by Treaty, a little longer, for the Recovery of the Palatinate.

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3. For the Pattern represented to this Assembly, he saith, that it is in the Person of our Sovereign; not a binding Precept, but an Example:—That the King hath already disbursed 40,000 l. for the keeping together the Body of an Army, in the Lower Palatinate, under the Command of Count Mansfield, without which our Resolution had been lost; and without our Resolution now that is lost.

4. For the calling of us, or the Manner of our coming together at this Time, that, the Occasion being sudden, it was thought it could not be sooner than by Proclamation.

5. For the Form of Imitation for this Affembly, he faith, that we should imitate the ancient Times and Form of Parliament, and avoid all long Harangues, all malicious or cunning Diversions; that we should not attend our domestic Business, till we had furnished and finished the Business of the Palatinate, and provided first to send speedily thither some Aid or Supply; for the General is there already in the Field, and there is nothing wanting but a Supply.

6. Concerning the Continuance of this Assembly, he saith, it is his Majesty's Pleasure (according to his former Resolution) that we shall meet again here the 8th of February; for which Meeting his Majesty hath engaged his Word, and doth give us Leave to sit now as long as we will, till even Eight Days before the ensuing Feast; and, at our Meeting the 8th of February, we shall sit as long as we will,

but

but that is dies status: and, the sooner we do despatch the Business of the Palatinate, the sooner (faith his Majesty) shall the other Businesses of the Kingdom be despatched.

LORD Digby faith, that his Majesty hath commanded him to acquaint us with the Despatch and Success of his Ambassage, which he divideth into

Three Parts or Heads.

1. The King's Proceeding in the Business of the Palatinate.

2. THE State of the Question, as it now stands.

3. For the Redress of the State of the Palatinate.

1. For the King's Proceedings in that Business, he faith, that the King hath not omitted or pretermitted any thing that a pious, provident and peaceable King could do for the Recovery of the Patrimony, which his Son in Law had, when he married his Daughter:—That that Day, that the News of the Overthrow of *Prague* was known to his Majesty, he advised with his Council, and fent by Sir Albert Morton 30,000 l. to keep the Princes of the Union firm and Friends to the King of Bobemia: - That, shortly after, his Majesty sent Sir Ed. Villars to seek out the King of Bohemia, and to procure, under his Hand, a Confent to Submit to what Treaty our King should make with the Emperor, for the Restitution of the Palatinate: - That the King of Spain did fend(225) to our King, that, when he should get the Palsgrave to fubmit himself to that Respect, which is due to the Emperor by the Princes of the Empire, and the rest in those Parts, [that] then he would be a Means to procure a Peace for him; and this was the Occasion of Sir Ed. Villars' Ambassage: - That, by our King's Means, the Archduke stayed, that there went no more Men into the Palatinate, which was a principal Means of faving and preferving that Part which is left of the *Palatinate*, which otherwise had been all lost:—That, when he went in May last on an Ambassage, for a Treaty of Peace for the Palatinate,

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the fion tinate, he was accompanied with the Letters of Commendation of the King of Spain, France, Denmark, Poland, the Archduke, and almost of all the principal Potentates of Christendom; so as his Majesty thought verily, he should have had a happy Success in this last Ambassage, in the Treaty for the Palatinate.

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2. For the Second Part, concerning the State of the Question as it now stands, he saith, that he had a provisional Promise from the Emperor, that the Paligrave should be restored to his Honour and Dignities: and that the Emperor, when he left him, did resolve very seriously of a Truce; but he was shortly after dissuaded by the Duke of Bavaria, who complained, that on the Confines of his Country the Count Mansfield lay with his whole Army, and also so many more as came out of the Lower Palatinate, by Means of the Truce there between us and the Emperor; so as the Count Mansfield's whole Army was near 23,000 Men, all which went up into the Upper Palatinate: - That hereupon, at the Importunity of the Duke of Bavaria, who is one of the principal Supporters of the Emperor, and had done him best Offices in these Troubles, the Emperor recalled his provisional Promise: whereupon, he faith, that he went to the Infanta (after the Death of the Archduke) to defire her not to permit any more Soldiers to come into the Palatinate, and to be a Means of a Peace with the Emperor; but she said, the was willing to do all that lay in her for the King of England's Sake, but she could not hinder the Progress of the Emperor in the Palatinate: so as we may fee, his Majesty hath left nothing unassayed for the effecting a Peace in Behalf of the Paligrave; and it now flands fo with the King, as he must either abandon his Children, or declare himself in a War: —That the Upper Palatinate is in the Possession of the Duke of Bavaria for the Emperor, by Commifsion to keep it, that no third Person may have it,

till that Business be effected:—That the Lower Palatinate hath been preserved by Sir Hor. Vere, Capt. Burrowes, and the brave English who are there, and in and near about Frankendale: - That Count Mansfield hath now in the Lower Palatinate 10,000 Foot, and 4000 Horse, who have been thereabout Soldiers near these Two Years; so as the Army that now is in the Lower Palatinate consists of English and Strangers near 20,000 Soldiers; but all those of Count Mansfield's Government are but mercenary Men, that feek only their own private Gain, and will no longer be kept in Order, than while their Salade or Pay is duly and fully paid them:—That the King of Spain payeth his Soldiers duly; and it is to be feared, that, if those that are in the Palatinate for us be not well paid, they will foon leave us: —That, whilft this Army is there for us, the principal Forts there are kept in our Hands, and Count Mansfield is now lately entered into Worms: - That the King of Spain hath Five or Six Armies now on Foot, and most of them are in the Parts of Germany. He faith, that the King of Spain wrote by him to the Emperor effectually for Peace; and that it is the Fault of the Emperor that it is not effected.

3. For the Third Part, concerning the Redress (220) of the State of the Palatinate, he faith, that our King must send Forces to keep the Palatinate; for, if the Princes of the Union shall see no certain Force come from hence, they will retire themselves for the Defence of their own; but, if they shall fee our King maintain a certain Army in the Palatinate, they will then all join to dissolve the League of the Catholic Princes:—That we are herein to confider prefently of Two Things. 1. That, though we are now in Winter, yet [that] we should have a Care that we lose not what we have, but that we will take presently into our Consideration, for the maintaining and keeping together of those Men, who are already in the Palatinate, that they do not mu-

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tiny for want of Pay. 2. That we forthwith confider (and propound in our House) of the Number of Soldiers and Sums of Money to maintain them; and that the Supply we shall send be not transported in Money:—That our King had an Estimate by some Commissioners best experienced and known in martial Affairs, concerning the Charge of an Army to be sent into the Palatinate; and it was by them thought, that to maintain an Army one Year would require the Sum of 900,000 l. which he leaveth to our Consideration.

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LORD Treasurer Cranfield saith, that there is a great Debt owing by the King; his Majesty's Revenue is but small; and the Subsidy that was given is already disposed of; and this is the Misery of the State: That there are four Causes of the Misery of the King and State. 1. That the King hath not been fortunate in all his Officers. 2. He hath been too bountiful. 3. His Majesty hath wanted that Supply from his Subjects, which other Princes, his Predecessors, have had. 4. That his Majesty hath spent Abundance in Treaties and Ambassages. faith, that the King hath expended in the Business of the Palatinate 312,370 l .- That there are Three Reasons or Motives, why we should give liberally to the King. 1. For that Lands are now better by a Third Part than they were when the King came first to the Crown. 2. That Wools, which were then but at 20 s. are now at 30 s. 3. That Corn is also much dearer than it was, and that which was but 26 s. or 27 s. is now at 36 s. or 37 s. the Quarter:— That the King hath expended 30,000 l. for the Relief of the distressed Professors of our Religion in foreign Parts, wherein the King is still constant; but, while he was a Mediator, his Majesty thought it not fit to be a Persecutor: and, if his Majesty be doubted how he standeth affected in his Religion, he is one of the most unfortunate Princes of the World; for he hath employed his Care, Cost and Pains

Pains in nothing more than in the advancing and defending of our Religion, both by Purse and Pen. He faith, that, whereas the King had heretofore 15,500 l. per Annum for the Custom of Tobacco, his Majesty is pleased to abate of it, to his Loss, 7500 l. per Annum, and hath now let out the Custom of Tobacco for 8000 l. per Annum; for that his Pleasure is, that there shall be brought into this Kingdom but 60,000 Weight of Tobacco in one Year; because his Majesty would avoid the Excess and Waste that is used in taking of it, and retain in the Kingdom the Money that is carried away by the bringing in of that Weed. He faith, that he thinketh it now unseasonable to move for the King's private [ . . . ] considering the great Necessity of the King's Children at this Time. He faith, that he thinketh himfelf a miserable Man; for who shall seek to advance the King's Benefit, shall be thought to betray the Country. He faith, that it is not fit that the King should be hired to make good Laws, or to defend Religion; and they are deceived in his Majesty, who shall take that Course:-That he hath observed, that those, who in former Parliaments have been against the King, have been since for his Majesty. He faith, we shewed our Affection to the King's Children in the punishing of that wicked Man Floid; and that the Declaration made by our House, in the Behalf of the King's Children, the last Day of our Sitting, was fo voluntarily and cheerfully done, as it may not be paralleled; and therefore he doubteth not, but, in this their Necessity, we will effectually perform what shall testify our Affection to them. He wisheth us to go on as we have begun, for then we cannot defire that without blushing, which his Majesty will not grant us.

#### Thursday, November 22.

"An Act to avoid the great and general Abuse by Licenses to beg." [Committed.

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By this Bill no Person shall have such License for more than that County where the Loss is, if the Loss exceed not 300 l. and, if it exceed 300 l. then that County is to be one:—That no Brief shall be read but the Letters Patent themselves:—That the Certificate shall be made only by the Justices of Assize or Justices of Peace of that County wherein the Loss is; and that to be made in open Court, and not otherwise, on a Penalty; and such Persons, Beggars otherwise, to be accounted, and punished as Vagabonds.

"AN Act for the more easy and speedy committing and conveying of idle Rogues or Vagabonds, and for the Punishment of Constables and Tithingmen, who neglect their Duty in conveying of the same."

By this such Constable, &c. as herein neglecteth his Duty, is to pay 40s. for his Neglect:—That no Justice shall send such Person to the House of Correction.

SIR George Moore would have this Bill only for idle, wandering Rogues and Vagabonds, but would not have it so large as to reach all such as are disordered, for that he thinketh it not sit to be left to the Power and Discretion of one Justice of Peace alone to commit such; for the Son of a good Man may be disordered, and yet he holdeth it unsit, that one Justice of Peace alone should send such to the House of Correction to be there whipped or punished.

SIR Dud. Digs would not have so great a Liberty left to one Justice of Peace his Discretion for such as shall be found disordered or drunk; but he liketh it well for Rogues and Vagabonds.

MR. Secretary Calvert faith, that his Majesty hath given a special Command for the Reformation of the Book and Number of Justices of Peace.

L. 2. " An Act for the Maintenance and Increase of " Navigation, and for the Prevention of the Ex-

" portation of Coin." Rejected.

By this no Merchant, Stranger, Denizen or not Denizen shall bring into this Kingdom, but only the native Merchandise of the Country of whence such Merchant is, unless it be in English Ships or Bottoms; and no English Merchant shall bring in any Merchandise, but in English Bottoms:—That all foreign Grain imported by any of this Kingdom may be exported again by the same Merchant, so as he first pay the Custom of the same :- That no Flax or Tow shall be brought dressed into this Kingdom: That none shall trade but mere Merchants.

MR. Neale faith, that this Bill is only good for the Merchant Adventurers:—That those of the Out Ports cannot be fuffered to export any Goods, unless they be of that Company: -That it is made unlawful to carry Money to buy any Flax or Cordage, which is not to be had beyond Sea without Ready Money; fo as those of the Out Ports can have no Flax or Cordage, but fuch as is brought in by the Flemings or other Strangers; and, if this Bill pass as it is, they shall have none at all. He should like well that Strangers should be barred, so as it may be lawful for all Men to trade and traffick for fuch Merchandise.

SIR Dud. Digs faith, that the Abundance of the Employment of Merchants, Strangers in this Commonwealth, hath almost overthrown the Trade and Shipping of this Kingdom; and the Strangers Merchants use ordinarily for their Merchandise to export the Coin, and but little of the native Commodities of this Kingdom:—That, if we will have the Strangers bring in their Merchandise, we must suffer them to buy and export hence the Merchandise of this Kingdom, as White Cloth, the Manufactory Stuffs, &c. for otherwise we shall want the Help of

Strangers,

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Strangers, who bring into the Kingdom Deal Boards, Pitch, Tar, &c. He feareth, if we bar the Low Countrymen to bring in any other Merchandife, than such as is there grown, (they having none grown in that State) that they will also bar our Merchandife to be brought thither. He would have this Bill committed and amended.

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that the Stranger is barred to export from hence no Kind of Merchandise; but they do seldom deal here for any Merchandise of this Kingdom, in Exchange of their Merchandise, but still, or for the most Part, carry away with them our Coin.

MR. Secretary would have this Bill rejected; for hereby we took too much on ourselves, for Trade ought to be reciprocal: and to bar any foreign Merchants to bring in their Merchandise hither is contrary to the Treaty and League, which our King hath with almost all other Nations. As for the Exportation of Coin, there are already good Laws to prevent it.

For the Reasons alleged by these several Gentlemen, this Bill is rejected.

Sin Edward Cooke's Report of the Conference Yesterday with the Lords. Saith, that the Three Lords had meditationes praparatas, and he hath meditationes properatas:—That they (as it seems) had a Conference each with other, and distributed their several Parts:—That every one of them spake in their Elements, the first for Oratory, the second for Ambassage, the third for Matter of Treasury; but himself is to speak of Things altogether out of his Element. And so he reported as Vide Yesterday's Conference, fol. 223, 224, 225 and 226.

SIR Rob. Phillips faith, that, by what he heard Yesterday, he is of the same Opinion as he was before he came from home, that the calling of this Parliament was for some important Business. He desireth, that the Debate of this Business, being of Vol. II.

fo great Consequence, may be deferred till Saturday or Monday, that every one may be the better prepared, and the House more full.

It is ordered herein, that the House will debate of this great Business Monday next, at Nine of the

Clock in the Morning.

SIR Ed. Sackville saith, that the Honour of the House at this Time calleth him up; and therefore he desireth to know, whether it be the Meaning of the House, that Day shall be given till Monday for

every Man to call in their Protections.

Sin William Stroude would not have Day given till Monday to call in our Protections; but that, fince we have already given too much Liberty, and made a great Grievance by it, [that] we presently call them in; or else leave all Men to be freely arrested, notwithstanding such Protections, unless it be such as are our menial Servants and Attendants.

MR. Alford faith, it was the ancient Course, that the Clerk should read every Order before it be put to the Question; and, if that Course had been observed, there had not been any Doubt of the House's

Meaning in the Point of Protection.

THE House will have our Declaration stand, that all Protections are now presently void, which are granted to other than menial Servants or Attendants; and will not have the Order, formerly made herein, so much doubted, as to have it again put to the Question.

## Friday, November 23.

L. 2. "An Act to make Ministers and other spiritual "Persons capable of Leases of Lands, for the Be-

" hoof of their Wife and Children."

By this it is lawful for any fuch spiritual Person, mentioned in the Bill, to take, in their own Names, Leases for Life, Copy of Court Roll, or at Will, notwithstanding the Act of 28 H. 8.

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SIR Edward Cooke saith, that the Statute of 28 H. 8. was made, when the Marriage of Spiritual Men was prohibited; but now it is fit it should be altered:—That now by the Law such spiritual Persons may purchase in Fee, but no Leases. He would have this Bill committed; but that the Committee should moderate it, and provide that such Persons turn not Farmers or Grasiers, whereby they may neglect their spiritual Vocations.

"AN Act against scandalous and unworthy Mi- L. 25 "nisters."

By this, if any Minister shall be lawfully convicted of Adultery, Fornication or Perjury, he shall be, for the first Time, degraded and lose his Benefices:

—That, if any one be convicted for a common Drunkard, Haunter of Taverns, a common Barreter and Breaker of the Peace, for the first Time, he shall be imprisoned for one Month without Bail or Mainprise; and, for the second Time of Conviction of any such Faults, he is to be degraded and lose his Benefices.

SIR Dud. Digs faith, that this is a needless Bill at this Time, and will causelessly lay an Aspersion on the Government of the Church, that we are forced to make Laws here for the Punishment of such Ministers:—That the Committee which was appointed to hear the Complaints against the Courts of Justice knoweth, that there came none against the High Commission (which is the Court to punish such Abuses) but only the Complaints of such as complained to have been punished there with too much Severity, as they suggested: and himself (being one of the High Commission) protesteth, he seeth nor knoweth no Fault in that Court, unless it be of too much Rigidness. He therefore holdeth this Bill needless and fit to be rejected.

SIR James Parrett saith, that there is no greater Scandal to the Church, than the Disorders commit-

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ted by the Ministers of God's Word:—That in his Country there are many lamentable Examples of it, and that it is rare if any there be questioned for it.

MR. Jordan saith, that in the West Country, whereabout he dwelleth (being in Exeter) there are no greater Drunkards and disordered Persons than the Ministers; and that there there are Men of all Professions made Ministers to serve Cures, &c. and they, for the most Part, live most disorderedly.

SIR Ed. Giles faith, that at the Committee for Complaints of Courts of Justice there was no Complaint against the High Commission, but of Ministers who complained of Wrong for being put out of their Benefices for great Offences: but, he saith, there is not such Care used in the West Country (being far off) but the Ministers live there very dis-

orderly.

MR. Alford saith, that he never was in Parliament before, but there were Faults complained against the High Commission; but he hath not heard of any at all during this Parliament against that Court:

—That there are not so many Laws in the Civil Law, but that we (who are here for the Commonwealth, and feel the Grievance of those Disorders of Ministers) may make more Laws for the punishing of such: and besides, the Charge of the Proceedings in the High Commission is such, as few will complain there against Ministers for such Offences; and also the Places before named are far distant from London.

SIR Edward Cooke saith, that there is already no such Law, but that this will be a good Law to remedy such Abuses of Ministers. The High Commission is for high Causes, and sew will go to the Charge of preferring a Bill in that Court, for such Offences; and besides, the Distance out of Cornwall and other Places is so great from hence, that very sew will come hither, to complain in that Court. He would have an Addition to this Bill, to punish such

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fuch Patrons as do present to any Benefice a Minister who is known to be scandalous; for the Ordinary may not except against such a one as is timely presented by the Patron. [This Bill is committed.

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SIR Thomas Wentworth would have us bend our Thoughts towards the End of a Sessions, for that it imports us much to prepare to end this Sessions before Christmas. He defireth, that some of the Privy Council of this House may, from the House, befeech the King, that we may have a Sessions, though we fit till Christmas Eve. Secondly, that, fince we have given Subfidies, we may have the Pardon. Thirdly, that the Grievances may be collected. Fourthly, that the Bills for Repeal and Continuance of Statutes may be prepared. Fifthly, that those Bills which are ready for the second Reading may be committed. Sixthly, that those which are committed may be despatched and reported with all Diligence. Seventhly, that we may this Morning read the engroffed Bills, that after thus long fitting we may not return home with empty Hands.

MR. Alford faith, that the King hath commanded by Two Proclamations, that none should meddle or talk of State Business; and yet hath again commanded, by the Three Lords, that we should not meddle but with the Business of the Palatinate: That this is a Precedent wherein we are warily to proceed; for hereafter the King may else say, we shall meddle only with this or that Business, and not with other Things, and so we lose the Privilege of a free Parliament. He would, that we should hasten to despatch the Business of the House; for hereafter, if we shall touch on any thing for the Good of the Commonwealth, his Majesty may be incented, and to dissolve the Parliament. In Hen. 7. Time one Terrill, a Member of this House, was, for telling the King of the Bufiness of this House, sent to the Tower, and by an Act disabled, and all his Posterity, for ever fitting or ferving again in this House, We

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are taxed to be \* cunning and malicious, but he thinketh the King is misinformed of us; for we are the same Parliament Men (and have the same Hearts and Affections to his Majesty) that gave, without Precedent, a Free Gift of Two Subsidies, at the Beginning of this Parliament, when the King

faid we were good Subjects.

MR. Secretary faith, that Mr. Alford hath expressed more Fear than he seeth Cause for him to do; and that he hath laid an Imputation on his Majesty, saying, that since the last Recess the King hath forbidden all Men, by Proclamation, to speak (23) of State Business; and yet here his Majesty hath commanded us to speak and debate only of the Bufiness of the Palatinate, which is State Business; thereby taxing his Majesty for commanding contrary Matters, as though his Majesty meant to insnare and take Advantage of us. And he hath also, as it were, taxed his Majesty by the Fears which he propounded, as if, when we should have yielded to any thing, the King should take some causeless Exception against the House, and so break off this Parliament.

SIR D. Digs faith, that he hath served the King with as faithful a Heart as any one that sitteth about the Chair:—That it hath ever been the Misery of Parliaments, that ill Offices have been done betwixt us and the King; and it is so likewise of this Parliament. It is well known, that Sir Edwin Sandys hath suffered; which if he knew it were for Parliament Business, he must, if he died, say, that of Right we ought not to be punished for what we speak here, other than by the House: but, since there is a Day presixed for the great Business of the State and Religion, which lieth a bleeding, he desireth that there may be an End of such Speeches as are used, and that no Exceptions or Question may be

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<sup>\*</sup> This was in the Lord Keeper's Speech,

made or taken of what any Member of this House shall or hath faid in the Discharge of his Conscience.

Mr. Guy moveth, that the poor Mariner, who was taken with the Pistol (since on the Examination of him nothing is found or proved against him) may be discharged.

It is the Vote of the House, that the said poor

Mariner shall be discharged.

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Mr. Mallary desireth, that Sir Ed. Sandys's Letter to Mr. Speaker may be read again; for, as he remembereth, it is therein mentioned, that he had been confined, notwithstanding he was a Member of this House; and, for aught we know, it may be for Parliament Business. He was (as all here know) cleared by the Vote of the House for any thing he had said here. He desireth also to know, for what Business Sir Ed. Sandys was questioned.

LORD Clifford desireth, that, since Sir Ed. Sandys doth not here complain of any thing for which he was confined, nor of his Confinement, that we would return to the Business of the House or State.

SIR Tho. Wentworth saith, that he hath observed that this House hath ever used to debate with Jealousy the Privileges of this House; but we have ever done it with Loss of our Privileges rather than Gain. He saith, he thinketh Sir Ed. Sandys was questioned for Matter of State; but howsoever he complaineth not here, and therefore he would not have us to take up the Office of Informers, and complain for him.

SIR Ed. Sandys's Letter is again read.

SIR Rob. Crane saith, he thinketh this House will not meddle nor question any thing, if Sir Ed. Sandys were confined for State Business: but, because there is a Murmur abroad, that he was committed for Parliament Business, he desireth it may be cleared, whether he were committed for Parliament Business, or no.

MR.

MR. Secretary Calvert faith, that, though he hath no Commission, yet, since he perceiveth the whole Business of the House sticketh at that Knot, he will assure this House, that Sir Ed. Sandys was not committed for any thing said or done in Parliament.

But the House will scarce believe Mr. Secretary, but thinketh he equivocateth; and some say, they are not yet satisfied that Sir Ed. Sandys was not

committed for Parliament Bufiness.

SIR Fra. Vane desireth, that Mr. Secretary's Protestation, that Sir Ed. Sandys was not committed for any thing done or spoken in Parliament, may be entered in the Clerk's Book.

Which accordingly was here entered.

## Saturday, November 24.

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z. 2. " An Act concerning Fees to be taken in Eccle-"fiaftical Courts."

By this Bill no Bishop's Suffragan, Chancellor, Commissary, Registrar, or any other Officer of any Spiritual Court, shall take any greater Fees than such as are mentioned in the several Tables made in 39 Eliz. on Pain of Ten Shillings for every Penny, to be recovered by Action of Debt, and to be disabled for holding their Office; and that the said Tables shall be printed and set up in every several Spiritual Court.

MR. Alford desireth, that it may be added to this Bill, that it shall be lawful for every one that will to bring their own Wills engrossed, and not be (a31) forced to pay to the said Officers for engrossing of the same.

[It is committed.

THE Dean and Chapter of Lincoln petition this House, shewing, that they Three Years since exhibited a Bill in the Dutchy against Sir Francis Popbam, and now cannot proceed in the said Suit sthough the Suit be only in Effect against Sir Fran-

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points they cis Popham's Tenants, and not himself, for the Tenants have already a Decree against him) in which Suit they have forborn to proceed, by Reason of an Order here made to flay the Proceedings in that Cause, on the Motion of Sir Francis Popham, who alleged, that it concerned him.

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IT is ordered, that this Cause shall be heard here in the House, as soon as the Parties are come up.

SIR Rob. Phillips faith, that Lepton (who hath a Patent for Fees in the Court of York) and Gouldfmith (who hath a Patent for the making free of fuch as have not fully ferved their Apprenticeships) having been here ordered to defift in the Execution of their Patents, and their Patents here condemned for Grievances; they have both joined and plotted against Sir Ed. Cooke (who fat in the Chair for that Business, and whom they take to be the principal Cause of the condemning of their said Patents) and Lepton hath practifed with one Howard, who hath had former Suits with Sir Ed. Cooke, and hath given forth, that he will prefer fuch a Bill against Sir Ed. Cooke, in the Star Chamber, as should ruin him. He defireth therefore (that others who shall hereafter be willing to take Pains in the Business of this House may not be discouraged, nor we thought ungrateful to him for his great Pains here) that the faid Lepton, Gouldsmith, who is a Lawyer of Gray's Inn, and the other Parties may be forthwith fent for and examined by a Committee, and that we may proceed in this Bufiness as in Justice we ought.

Mr. Pymme would have fome of this House sent presently to search the Studies of Lepton and Gouldsmith, and to seize on their Papers, that they do not, on Notice of the Information here against them, burn or purloin them; but that they may be furpriled before they have Notice of it.

A COMMITTEE is accordingly ordered and appointed to go and make Stay of the Parties, if they can meet with them, and to fearch their Stu-

MR. Secretary Calvert faith, that, though he hath no Commission, yet, since he perceiveth the whole Business of the House sticketh at that Knot, he will assure this House, that Sir Ed. Sandys was not committed for any thing said or done in Parliament.

But the House will scarce believe Mr. Secretary, but thinketh he equivocateth; and some say, they are not yet satisfied that Sir Ed. Sandys was not

committed for Parliament Bufiness.

SIR Fra. Vane desireth, that Mr. Secretary's Protestation, that Sir Ed. Sandys was not committed for any thing done or spoken in Parliament, may be entered in the Clerk's Book.

Which accordingly was here entered.

# Saturday, November 24.

desired by the Vote of the Moule for say thing, he

z. 2. "An Act concerning Fees to be taken in Eccle-"fiaftical Courts."

By this Bill no Bishop's Suffragan, Chancellor, Commissary, Registrar, or any other Officer of any Spiritual Court, shall take any greater Fees than such as are mentioned in the several Tables made in 39 Eliz. on Pain of Ten Shillings for every Penny, to be recovered by Action of Debt, and to be disabled for holding their Office; and that the said Tables shall be printed and set up in every several Spiritual Court.

MR. Alford desireth, that it may be added to this Bill, that it shall be lawful for every one that will to bring their own Wills engrossed, and not be (a31) forced to pay to the said Officers for engrossing of the same.

[It is committed.

THE Dean and Chapter of Lincoln petition this House, shewing, that they Three Years since exhibited a Bill in the Dutchy against Sir Francis Popham, and now cannot proceed in the said Suit sthough the Suit be only in Effect against Sir Fran-

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cis Popham's Tenants, and not himself, for the Tenants have already a Decree against him) in which Suit they have forborn to proceed, by Reason of an Order here made to stay the Proceedings in that Cause, on the Motion of Sir Francis Popham, who alleged, that it concerned him.

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It is ordered, that this Cause shall be heard here in the House, as soon as the Parties are come up.

SIR Rob. Phillips faith, that Lepton (who hath a Patent for Fees in the Court of York) and Gouldfmith (who hath a Patent for the making free of fuch as have not fully ferved their Apprenticeships) having been here ordered to defift in the Execution of their Patents, and their Patents here condemned for Grievances; they have both joined and plotted against Sir Ed. Cooke (who fat in the Chair for that Business, and whom they take to be the principal Cause of the condemning of their said Patents) and Lepton hath practifed with one Howard, who hath had former Suits with Sir Ed. Cooke, and hath given forth, that he will prefer such a Bill against Sir Ed. Cooke, in the Star Chamber, as should ruin him. He defireth therefore (that others who shall hereafter be willing to take Pains in the Business of this House may not be discouraged, nor we thought ungrateful to him for his great Pains here) that the faid Lepton, Gouldsmith, who is a Lawyer of Gray's Inn, and the other Parties may be forthwith fent for and examined by a Committee, and that we may proceed in this Business as in Justice we ought.

MR. Pymme would have fome of this House sent presently to search the Studies of Lepton and Gould-smith, and to seize on their Papers, that they do not, on Notice of the Information here against them, burn or pursoin them; but that they may be surprised before they have Notice of it.

A COMMITTEE is accordingly ordered and appointed to go and make Stay of the Parties, if they can meet with them, and to fearch their Stu-

dies and feize their Papers; and the Serjeant is to attend this Committee. The Parties to be apprehended are Lepton and Gouldsmith, and the Committee is to warn Howard (with whom Lepton practifed to prefer the Bill in the Star Chamber against Sir Edw. Cooke) to be here as a Witness, not as a Delinquent, in this Business. If these Parties can be apprehended, sitting the House, they are to be presently brought hither, otherwise they are to be committed to the Custody of the Serjeant.

MR. Mallet faith, that, next the great Business for which we are now met here, he would have us go on with fome good Bills, and particularly with the Bill against Informers, which hath had many Amendments by the Lords. He defireth, that the Amend-

ments of this Bill may be considered of.

BECAUSE of the Absence of Sir Edward Cooke, the Consideration of this Bill against Informers is deferred till he come into the House, for that he hath

taken greatest Pains in it.

THE Bill for the remedying of the Exactions of Fees by the Officers of the Custom House is recommitted, that the faid Officers may be heard by their Council, what they can fay against it.

" An Act for the naturalizing of Eliz. Vere, and " Mary Vere, Daughters of Sir Horace Vere, Knight,

" who were both born at the Hague in the Low Coun-

" tries."

SIR Henry Poole moveth, that this Bill, because it concerneth the Children of a Gentleman that hath deferved fo well of this Kingdom, may prefently re-

ceive a fecond Reading.

Which Motion was generally approved of, and the faid Bill accordingly is read the fecond Time and committed; and the Committee is ordered, by the Vote of the House, to go presently into the Committee Chamber, to consider of this Bill.

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It is ordered, that Sir Edward Cooke-and some others of this House shall presently go into the Committee Chamber, to consider of the Amendments made by the Lords in this Bill against Informers, because it is so long fince the Amendments were made; and they are to certify this House, how the said Amendments agree with the Intent of the Sub-committee; that was appointed by this House to attend a Confe-(232) rence with a Sub-committee of the Lords; for that those Two Sub-committees did long fince agree on the Amendments which the Lords thought fit to be made; and they are also to consider, whether their Lordships have since that made any other Amendment.

THE Act for the naturalizing of Sir Horace Vere's Children is reported and ordered to be engroffed.

SIR Ed. Cooke reporteth, from the Committee appointed to consider of the Amendments of the Bill against Informers, that, according to the Order of the House, the Committee hath considered of the faid Bill, and findeth that the Lords have added no Amendment to the Bill, but that which the Subcommittees of both Houses did agree on, and that their Lordships' Amendments have rather enlarged than abridged the faid Bill.

THIS Bill against Informers is passed with the A-

mendments which were made by the Lords.

" An Act for the restoring of the free Trade of " the Merchants of the Staple, for the Exportation " of Cloth, and all other the Manufactures of the " Kingdom made of Wool into the Parts beyond " the Seas."

THERE is, by their Charter, to be a Mayor, Constable, and Fellowship of this Staple of England: That any Freeman of the Company of Merchant Adventurers, or any other Merchants, (who have traded in Merchandise for Four Years) shall be admitted of this Company for 3 l. and any other Man of this Kingdom shall be admitted for 10 l. Sterling.

SIR

SIR Tho. Low, an Alderman of London, and Governor of the Company of Merchant Adventurers, faith, that, when it shall be lawful for any Man to carry Cloth beyond Sea into any Town and Parts there, it will cause a great Fall of the Prices of the Cloth; for, when the Cloths are fold only in one Town beyond Sea, there will come Merchants from all Parts to buy Cloth there, and must needs buy, because they cannot have of it elsewhere; whereas, if we carry our Cloth home to them, then we must sell the same as they will give us :- That there can never be a good Government in Trade, when there are Two Companies for the Sale of one Kind of Merchandife, and they have feveral Orders:-That it will discourage Gentlemen from putting their Sons Apprentices, if for 10 l. it may be lawful for any Man to be as free of the Company, as they who have ferved Seven Years for their Freedom:-That the Merchant Adventurers, to their great Charge, have kept up the Prices of Cloth. If that and other Companies be diffolved, as by this Bill they will, it overthroweth the Government of Trade, and so deftroyeth Trade.

MR. Neale wisheth, that this Bill had a larger Extent. He liketh well, that there should be a Government in Trade; but the Fruit of Government hath not been answerable to what those who first laboured, and still cry out for Government of Trade promised and made the Kingdom expect; for by the Government the Merchandise of the Kingdom is made to go forth of the Land with a heavy Imposition:-That the Merchant Adventurers feek not to vent and utter many Cloths, but to vent and fell them at a dear Rate, whereby they may have the better Return of what they have expended, without any Regard to the Number of Cloths, whereof (by their holding up of the Prices thereof, and stopping of its Sale) they hinder the Utterance; and that is it which maketh both Wool cheap, and that Workmen cannot be fet

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this I cuse, for th this I W on Work: whereas it is not more, how dear they sell the Cloth of the Kingdom, as how much they utter, that makes Wool bear a good Price:—That in France and the Low Countries every Man may trade without Restraint, and they there know not what a Company or Monopoly is; and Trade flourisheth with them as well as ever it did:—That our Fathers knew not what such Companies were, and yet they never complained for want of Sale. As for the good Works which the Merchant Adventurers have done, others would have done better and greater Service to the King and State than they, if they might have had so great a Benefit appropriated to themselves.

MR. Towerson. That this Bill might be amended, and that the Merchant Adventurers might be heard.

SIR Dud. Digs faith, that if the Merchant Adventurers be so suddenly overthrown, as by this Bill they will be, they being in so good Estimation of the Commonwealth, he feareth it will prove very perjudicial to the Commonwealth; and especially if it be done with such a Distaste of the Merchant Adventurers. He desireth and wisheth, that the Company and Power of the Merchant Adventurers may be lessened, but not overthrown.

SIR William Stroude faith, that the Committee could not meet with Mr. Lepton, but have spoken with his Wife, and have seized and brought with

them fome of his Papers.

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fet on MR. Mallary moveth, that all those Members of this House who are in Town, without some just Excuse, may be ordered to attend here on Monday next, for the great Business, on Pain of the Censure of this House.

WHICH is ordered accordingly.

† This Bill is passed our House at the Third Reading.

Monday

#### Monday, November 26.

THE Speaker faith, that on Saturday, after the House was risen, Sir Tho. Low delivered a Letter to the Speaker, wherein was one to this House sealed, and another unsealed directed to the Lord Mayor; whereupon the Speaker, acquainting some Members of this House with it who were with him, and they, breaking up the Letter, thought the Matter in it not worthy the Consideration of this House: and the Contents of the faid Letters were fo frivolous and vain, that the House would not hear them read out; it being in Effect, that the Parliament House should take from the Kingdom all Papifts, and Favourites from the King, and then declaring the Danger we shall incur by suffering either of them in the Commonwealth.

This Business was no further meddled with, being held an idle Business purposely cast forth to divert

the House from better Business.

SIR Dud. Digs faith, he speaketh with a great deal of Difficulty, and defireth that he may not be misinterpreted nor mifreported. That, though he be but poor, he is neither ambitious of Honour, nor afraid to speak his Conscience freely. He would have us now shew our Affection to the King, so as the King may be encouraged to shew his Love to his People. He divideth his Speech into Three Points. First, concerning the State of the Business of the Palatinate and what the King hath done therein. That the King (as hath been told us) presently, on the Overthrow of Prague, fent 30,000 l. to keep the Princes of the Union firm to the Paligrave: afterwards his Majesty sent another Message to comfort his Children, and that was by Sir Edward Villars; whereby, and by the other Carriage of his Majesty in this Bufiness of the Palatinate, his Majesty hath shewed himself a constant Prince, in following still his pious Course to effect by Treaty a Peace; and, seeing that cannot

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eth, 1 tion c cannot be effected, the King sent of late 40,000 l. to keep the Army, that is in the Palatinate under the Command of Count Mansfield, together. Now, though his Majesty be not tied to give an Account of his Actions to any but to God, yet it hath pleased him to descend from his Royal Prerogative therein so low, as to acquaint his Houses of Parliament with his Proceedings in this Business; thereby endeavouring to enable himself to prepare for a War, to get that by Force and the Sword, which he cannot by Treaty.

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For the second Part, concerning the State of Christendom, the faith, that Spain and Italy are the Strength and Defence of the Roman Religion, and these Islands the Centre of the true Religion:-That Germany, France, the Low Countries, Poland, and some other Parts of Christendom have some of the true Religion, but most there are of the Roman Religion. In short, the Truth of it is, that Spain is the Head of the Roman Religion; and our King is the Head of the true Religion: that our King feeketh by Peace to maintain our Religion; the King of Spain by War to bring all in Subjection to his Religion, and, as it is to be thought, to his Crown: - That our King goeth to effect his peaceable Ends by a fecret Way, but Spain by a more open Way, and discovereth himfelf to his Friends. None can blemish our King's Care in this Matter of Religion, to end Differences by Treaty without War, as his Majesty hath shewed it to all the World at feveral Times and Places, as particularly in Polonia not long fince; and our King also reconciled the King of Sweden and the King of Denmark, and ended the Differences between the Low Countries and the King of Denmark:—That there may be in good People much Fear, and yet it may not proceed out of Want of Affection.

For the third Point, concerning what is here at this Time principally to be debated, that he thinketh, that of Necessity we must enter into Consideration of the Defence of the Palatinate, and to main-

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Majesty, it is well known, shewed his Inclination to a Peace, but now he is driven to a War; in which we are to resolve (as he thinketh) first, not only how to maintain those Soldiers who are there, but also to make a War of Diversion; without which, he thinketh, small Good will be done.

SIR Benjamin Rudyard faith, that our Religion is battered abroad and moulders here at home:—That he thinketh, there is none that values his Soul at so low a Rate, as that he will not give and spend his Life and Goods for the Defence of it:—That there is now a fair and thrifty Way opened to us for the Defence of our Religion, and the Recovery of the Right and Inheritance of our King's Children. He desireth therefore, that this House will consider of a present Supply of the Army in the Palatinate, that that Business and the Dangers which may come thereby be not wound up on Delays till they break, and

fo our Supply come too late. I so is a so is so

SIR Miles Fleetwood faith, that he thinketh, that this is the weightiest Business that came into the House fince he sat here: That our King's Daughter and her Husband and Children are deprived of their Inheritance, and he thinketh it hath been out of their too much Confidence in Princes, and in the Arm of Flesh. He faith, we are bound to supply this War: First, for the Glory of God: Secondly, for the Honour of the King: Thirdly, for the Peace of our Country. For the first, that we cannot more glorify God, than in defending his Religion: - That, fince we have defended our Religion, this Kingdom hath been a Mirror of God's Mercy, an Honour and Helper to our Friends, and a Terror to our Enemies. Secondly, for the Honour of the King, that by this War we shall maintain the Title of the King, who is stiled Defender of the Faith. He would not have us neglect the King, who is so dear to God, by neglecting his Children, who are so dear to him. Thirdly,

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Thirdly, for the Peace of this Kingdom, that, if one or two of the King of Spain's five Armies do come against the Palatinate, it may, without our Help, ruin them, and endanger us:—That we cannot better divert the Projects of our Enemies (who labour to sow Dissention between the King and his People) than by giving the King Content in this Business, and to busy them with some War abroad. He would have us provide for a present and suture Supply, and that we advise with the Lords both for the Quantity of the Supply to be given for the War, and touching the Manner and the Governors of it.

SIR James Parrett faith, that, fince on his Motion the Declaration of this House at our last Departure, for the aiding of the Palatinate, was grounded, he thinketh himself bound to speak his Opinion and Conscience in this Business. He would have us confider, first, for the Maintenance of Religion in general; and then particularly, for that in the Palatinate. This Kingdom hath heretofore vanquished France, supported the Netherlands, supplanted Wales, affronted and affifted Spain, and done many other noble Actions; and therefore he holdeth it a great Dishonour for our Nation to sit down, and not shew ourselves for the Defence and Recovery of the Palatinate. But he would have us, in like Manner, confider what we are now: the Country is poor, but the Kingdom is not; for all the best Part of the Wealth of the Kingdom is contained within the Walls. of this City:—That here is 100,000 l. per Annum fpent in Tobacco, which would maintain a reasonable Army almost a Year. All the Nobility and Gentry of this Kingdom come and fpend their Estates here on Toys, Jewels and Clothes. East India Company have 1,500,000 l. in Bank here: the Usurers of this Town have a Million, at the leaft. He would have all the Nobility and Gentry of this Town, who have no important Business or Employment here, to be compelled by a Law to VOL. II. go

go and live in the Country; and, though many fay their Wives draw them hither, yet Laws will rule their Wives, though their Husbands cannot: - That there is too much Excess of Plate in Gentlemen's Houses in the Kingdom. He would have us confider, what will discharge the Charge of a War; and, as we should provide for that, he would have us likewife look to ourselves at home, whether we want [235] Provision: Parva junt arma foris nisi sit consilium domi. He thinketh a War of Diversion is necessary. He would have us give as much for a prefent Supply as shall be needful, and for the future War as much as every Man is in the Subfidy Book; as, if he be 10 l. he should pay 10 l. fully. For his Part he is very willing to give fo much, and he doubteth not but that will discharge the War. Only he defireth, that we may have first Safety at home; that we be not here supplanted by those of a contrary Religion, whose Hearts are at the King of Spain's Service; and they think they ought to be fo, because he is the Protector of their Superstition and Religion.

SIR Edward Sackville saith, that the Passing Bell now tolleth for Religion and the State of the Palatinate; it is not dead, but dying. He would have us consider of Two Things: First, what is fit to be done at this Time: Secondly, what is unsit to be now talked of. First, that we should remember what we promised by our Declaration. He would have us bestow such a Sum on the King, as will suffice for the present Supply of the Wants of those Soldiers that now are in the Palatinate; and this is the Business which is fit to be discussed of and done at this Time. Secondly, that it is unsit to speak or discourse of any thing else till this be effected.

SIR Robert Phillips saith, that the Necessity of the Affairs now in Hand and his Duty calleth him up, and that he will speak with a loyal Heart to the King and this State, and to the Wants of the King's

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Children: - That the Propositions now on Foot are, 1. For a present Supply for the Palatinate: 2. To make a thorough War: the one is needful, the other necessary:-That the States who are like to hinder us are the Catholic States; which confift of that great Wheel of Spain, and the little ones of Germany, both which now fight against us with a victorious Sword. Those who are for us may be those of our Religion in the Low Countries, the Princes of the Union, the Protestants of France, and some few in other Places; which is but small Affistance. He prayeth, that our Sins have not been the Cause that hath made the Princes of the Union fall from us; but he hopeth, they will be reunited when they shall see us stir again. For the Low Countries, though their forgetful Pride hath made them neglect us, yet their Business against the Spaniard will put them in Mind of their Fault, and, he hopeth, make them be as firm to us, as they are near Neighbours to us; and he thinketh it needful and necessary, that they have Dependancy on no State but our's. As for France, the Protestants there are locked up there by a Civil War, so as there is no Hope of Help thence. It is true, that the King hath carried the Affairs of the Palatinate wisely, and hath fought, out of his Goodness and pious Disposition, by Treaty to make Peace: but he hath therein been unfortunate, for, whilst we have treated of Peace, they have still gone on with the War. It hath been told us, that the King of Spain is our Friend, but every one knoweth, that he is the President of the Council of that War which is made against the Palatinate; and, for aught appeareth, that War moveth not but by the Wheel of Spain, who payeth all the Soldiers there. As for the Duke of Bavaria, he is but a petit Prince. He would have us consider, first, the Honour of this Kingdom; for he is jealous of it, because he heareth how we are flighted by foreign States: - That he thinketh, Pp2

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God is angry with us for not keeping the Crown of Bohemia on the King's Children's Heads, and therefore he hath punished them and us with the Loss of their own Patrimony, to our Shame, and their Sorrow and Dishonour. Secondly, for the Ability of this Kingdom, that at this Time our Trade is decayed, and the Letters and Remedies administered by the Lords of the Council have wrought no good Effects at all; fo as there is small Hope to do any Good in Trade but by good Laws. Thirdly, for our Security at home, that all those Papists, who are here amongst us, howsoever they live, their Hearts and Affections are subject to the King of Spain: That they are grown infolent; they call us already (23) the Protestant Faction, and they dispute of their Religion boldly, as if they had Laws and Liberty to defend the same publickly. He desireth, in this Respect, that we may proceed with some Course for our Safety at home, that they, who are grown to fuch a Head here, may not turn the Wheel about, and fo, when they have gotten us under, we mourn and repent our Want of Confideration and Providence. He would have us confider what we can do at this Time, and what we have already done. have already given Two Subfidies, and have not had any Bill passed. He would not have us, at this Time, to grant any Subfidy; but first to proceed with some Bills to fatisfy the Country, and at our next Meeting to grant Subfidies, which Meeting he would have should be as soon as it shall please his Majesty; for the Palatinate may be otherwise supplied till that Time. As for our Treaties, we hear of Treaties with the Emperor and the Archduke: but, if we will effect any good End, we must treat with the Council of Spain, which, all the World feeth, doth only support the Emperor. He would have us, at our next Meeting, prepare for a thorough War. He saith, for his Part, he is resolved (fucceed the Palatinate as well or ill as it may) to end

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SIR Edw. Giles would have us make a thorough War, but so as Queen Elizabeth did, to enrich ourfelves, as well as to defend our Right and ourselves. He faith, there was a Jesuit lately taken in the West Country, and is now at Exeter, who faid, that there were 500 more Jesuits here in England at this Time; and his Boy faid, that he heard his Master fay, that he hoped shortly to see a new King in England. He would therefore have a Course first taken to fecure the King, Prince and Kingdom in thefe dangerous Times, and Confluence of Papifts; and that afterwards we should consider how to aid and give Supply for the Palatinate. He believeth, that we shall do no Good by Treaty, and would therefore have us treat with our Swords in our Hands. God hath hitherto done much for us; but we must not look for that Help from him still, if we be so careless of his Church and the true Religion.

MR. Secretary Calvert faith, he will apply himself principally to Sir Robert Phillips's Speech; and faith, first, that his Grounds were mistaken, when he faid, that this Time was not fit or opportune to give Affistance for the *Palatinate*. He would have us remember, why the Princes of the Union disbanded, and left the King of Bohemia, which was only for Want of a Supply; but, how or in what Manner they did it, he will not mention. But, if the King resolve to enter now into a War, those Princes will be, as it is hoped, and not unlikely, reunited, and the King of Denmark and other Princes in Germany will also declare themselves for the Assistance of the Pa'atinate; for our King's not declaring of himself heretofore in the War made these Princes give over and forbear in that Action:—That the Friendship amongst Princes is as their Strength and Interest is; and he would not have our King to trust to the King of Spain's Affection. As for the delaying of a Sup-P p 3

ply any longer, if we do it our Supply will come too late. It is faid, our King's Sword hath been too long sheathed; but they, who shall speak to defer a Supply, feek to keep it longer in the Scabbard. The Affection we shewed to the King's Children by punishing of Floid, who had bespattered their Honour with his foul Mouth, and the Affection we shewed to them by our Declaration, at our Departure hence, and all our affectionate Carriage towards them, during this Parliament, will be thought but a Compliment, if we delay to give a Supply, at

this Instant, in their greatest Necessity.

SIR Geo. Moore faith, we have already made a Declaration, that our Hearts are ready to affift for the Recovery of the Palatinate. He would now have us think what we are to do: if we do nothing, it will be a Scandal to our Religion, confidering the desperate Case of the Palatinate, and those of our [217] Religion in foreign Parts; and it will be faid, that the King is only rich in the Promises of his Subjects, but not in their Performance of even needful Sup-He would have us have also Consideration of the Poverty of the Country, which is to perform what we shall give; and would have us do it so, as that we lose not their Affections, but something he would have howfoever done for the Supply of the Palatinate, Till of late we were not wont to give Subfidies without Fifteenths, but Fifteenths have been often granted without Subfidies; and he would have us now, for the present Supply, to give Two Fifteenths, and withal become Suitors to the King, that we may not be returned into our Country with empty Hands, but that we may have some good Laws passed; and that Life may likewise be given to those good Laws that are already.

MR. Glanvile would have us give a present Supply, but would have us withal pass some good Laws, thereby to give a Content to the Country:-That there are Five Things to be forthwith considered of

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ting that befo by the House. 1. For the State of our Religion, for which we have here good Laws provided. 2. For the Trade of the Kingdom, for which we may before Christmas pass many good Laws; as, particularly, that against Monopolies, and that which we have passed for the restoring of the Merchants of the Staple. 3. For Justice, for which we have also many good Laws provided. 4. For the Bill of Continuance and Repeal of Statutes, which hath been here twice read, and may soon be despatched. 5. For the Pardon, which may also be easily despatched. If we now grant a Subsidy and a Fisteenth, it will not be much, and cannot be despatched presently; and therefore he would have us grant it with Expedition, and so have a Sessions before Christmas.

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MR. Thomas Crewe defireth to be excused, if he diffent from a present giving. We have heard with Sorrow, that our King's good and peaceful Intentions have had no good Success. There is ever more loft by Treaty, than gotten by the Sword. He would have us therefore take our Swords in our Hands: but, if we consider our Disabilities, our Trade taken from us, and Traffick decayed, we may think it a difficult Matter to proceed in a War. He would have us consider, who maketh War against us, which is the Spaniard; and against him, as he conceiveth, we are to bend our Forces, for it is he that giveth Counsel and Pay against us. There is no halting between Two Religions, and therefore he liketh not that the Papists are so common and bold in England. He defireth, that we might know against whom we shall fight; and then he would fay, that, though we give not now, we would give at our next Meeting: but at this Time he would have us discover our Affections only, and that we might first know our Enemy before we refolve to give; and for this Sitting to speed our best Bills, that it might not be said, that we have added more Subfidies to thole we gave before, without bringing any thing home for them.

He wisheth, that the Pardon might be for all Bonds in the Exchequer, which are written as Debita desperata, and that they should be restored; for he knoweth that there are Debts now recovered, which were accounted as desperanda in H. 8. Time. He would have Money taken up, for the present Supply, here in London of some Townsmen; and that Mr. Towerson and the Merchant Adventurers (who at the last Sitting said they would give Twenty Subfidies) might be engaged for the Repayment of it: but he thinketh it not now a fit Time for us to give a Supply, yet would not have us fay, we will not now give, nor that we will not give till February; but let us despatch the Business of the House, and provide first for the Safety of ourselves here at home, whereby we shall give Content to the Subject; and that then (when we know our Enemy) we may give with Alacrity.

SIR Thomas Wentworth defireth, that the Debate of this Business for a Supply may be deferred till Saturday next, and that in the mean Time we provide and prepare the Business of the House for the End of a Seffions; and he would have his Propofitions, in his Speech the other Day, might be obferved and followed, for the preparing of the Busi-

ness of this House.

SIR D. Digs would not have this Business of a Supply put off till Saturday, for many Things are to be effected, before we shall grow to a ripe Resolution in this; for we defire to know of the King our Enemy, and we must take Time to be satisfied by the King for that; and by deferring fo long to debate of this, we shall lose Time, and so do nothing before Christmas. He feeth, we defire to take from the King of Spain the rest of his Treasure, the West Indies, from whence he hath to pay the Soldiers that fight against us. He would have us refolve on a present Supply to keep the Army in the Palatinate: but he is of Opinion, that we shall do

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no Good against the Spaniard, unless we can take from him his Purse, the West Indies; but we must expect, if we should take his Fleet, to have his Army to break and murmur in Two Years after. He would have us therefore presently Tomorrow to proceed in Debate hereof, and resolve by a Supply to keep what is yet remaining of the Palatinate.

SIR Edward Cooke desireth, that we should debate hereof again Tomorrow, otherwise what hath been

here now spoken of will be lost.

THE House putteth off this Business till Tomorrow Morning, to be then further debated of.

## Tuesday, November 27.

Mr. Wylde faith, that it was a great Difadvantage to Pompey, that he stood only on the defensive, and permitted his Enemy to offend and affail:-That the Spaniard is he, who only hath counselled and aided with his Purse those who have gained the Palatinate:—That (as Yesterday Mr. Secretary said) there is no Trust to be reposed in the Promise of the Spaniard: those who are of that Religion have Difpensations for the Breach of their Faith. He would not have us defend only the Limbs and Branches, but to look to the Trunk and Body itself. He would not, that we defire to know only of the King the Enemy against whom we should go to recover the Palatinate; but would have us let the King know, whom we take and hold to be our Enemy, and then, as we shall see Cause, to give a Supply; but, in the mean Time, to provide for our Safety at home.

Mr. Treasurer of the Houshold saith, that his Majesty would not willingly break with the Spaniard, till he seeth, whether he (having made so many fair Promises) will yet avow or disavow the Actions of the Emperor. He would not, that we should, by our Discord, add Grief to the common and general Affliction wherein those of the Protestant Religion

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our Promise by our Declaration.

Mr. Neale acknowledgeth his Disability to speak of the great Business in Hand, and will deliver only what he hath collected out of the Speeches of those who have debated well hereof: And first, of our Doubt against whom we should make War, and who should be our Enemy: Secondly, from whom, and in what Manner Aid should be given. For the first, he faith, as the Trojan did, Timeo Danaos et dona ferentes:—That the Spaniard hath ever won more by his Pistolets than by his Bullets: we know how the Spaniard hath gained by this Means, and, being gained, no Man dares question how he got it: Dolus an virtus quis in hoste requirit? For the second, from whom and in what Manner this Aid shall be levied, none shall be more forward and willing to give than himself. Those for whom he serveth here defire nothing more than a plain War, and therein they will venture their Lives and Estates; but those of the West Country are so poor, as at his coming thence the Collectors of the last Subsidy said, they knew not how to levy the Subfidy behind. He defireth, that therefore in giving the House will be pleased to consider, from whom the Aid shall come, and that it may be levied from those who are wealthy, and not according to the ancient Order, by the Lands:-That Money is bought beyond Sea at a higher Rate than the Mint here will give for it; and that is the Reason, why so much foreign Coin brought in hither is not kept here, as it would be otherwise: —That the West Country is so oppressed and beggared with Monopolies and new Projects, as that they of that Country are every Year forced to be at the Charge of coming hither to petition against it. He would have Aid given, but that Bills should be first prepared to pass.

MR. Pymme faith, that, if we should not now give, we frustrate the King's Expectation grounded on

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our own Declaration, and we lose assuredly the Palatinate and our Reputation. On the other Side, if we do nothing but give, we shall have the Discontent of the People, and increase their Fears of Religion, and bring a Difreputation to ourselves, having fat here so long and effected no Bills. This is a Ground that, where an Obligation is laid originally, it ought to be performed; but we are to be excused, if by Accident we are disabled to perform it. He faith, that the first Part of the Proposition is to send a present Supply for the Army in the Palatinate; and the fecond Part is to fend an Army of our own Countrymen thither to augment that Army:—That this War must be supplied by Money, wherein we are too weak for the King of Spain: - That we are disabled of some Right, which belongeth to Subjects, to proceed in this War; for it is a Rule, that, if the Subjects of one King do spoil the Subjects of another King of their Goods, the Subjects fo wronged have a Kind of Interest to right themselves on the Subjects of the other King. He faith, that we are unfit to do any thing abroad, till we are more fecure at home. He would have us labour for a Sessions before Christmas; but would not have us have only Bills, nor only give a Supply, but to do both together. He would have us frame an Oath of Affociation, to be ministered to, and taken by all our own Nation and People; and that those, who should refuse the same, should not hold any Office in the Commonwealth.

SIR Rich. Grofvenor here out of his Papers read us

a large Lecture.

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SIR James Parrett saith, he will speak without Book and without Premeditation, though they who have spoken before have been more exact. He holdeth the Question now to be An sit, and Quip sit? He thinketh every one is resolved and obliged to give; but what shall be given he neither can nor will direct this House in:—That Precedents may

be created, where there is either urgens necessitas or evidens utilitas: - That there was an Oath of Affociation in Queen Elizabeth's Time. He would have us be humble Suitors to his Majesty for the Maintenance of our Religion, that the Laws may be executed against Recusants. Secondly, that there may be a Supply made of Ships and Munition for our Safety at home, and that by his royal Command every Shire (according to the Ability of it) may provide them with fufficient Armour. Thirdly, that the general Pardon may be larger; for, as it hath been used to be granted, none or little Good hath come by it to any body. Fourthly, that his Majesty will not punish those, who speak here freely their Opinions and Conscience; but that we may punish them here ourselves, if any shall speak disloyally, or not with due Respect and Duty to his Majesty:-That the King would be pleased to send us Word, that he will pass some Bills this Sessions. He would have this Business protracted to be further debated on Tomorrow.

SIR Ed. Sackville faith, that it is a great Work to make War with the King of Spain. He heareth, that it will be a dangerous Precedent for us to give more Subfidies without having some Bills. He doth not think this Kingdom fo poor and beggarly as it it is faid to be, neither would have us report it to be so; for he hopeth we have Means to live, and do as much as our Ancestors have done:—That it is the King of Spain that hath laid out his Money to gain from us the Palatinate. He would have us give some present Supply towards the keeping of that which is left us in the Palatinate; and it will not be long before we discover plainly, whether the King of Spain be our Enemy or no; which if he be, then will the King without Question, understanding of our Affections and Inclinations, proclaim a general War against him, and then shall we have our

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SIR Thomas Wentworth would have us confider of the King and the People together and indivisibly: That the first Proposition for the King is for a present Supply: Secondly, for an Aid and Supply to fend into the Palatinate more Forces to recover it, if Occasion be. The first Proposition of the People is their humble Defire, that we may have a Seffions before Christmas: The second, that we may notwithstanding meet again in February, as was appointed: - That there are four Degrees for our Proceeding herein: 1. That we should now answer the King's first Proposition, that we will give a present Supply: 2. Degree, To defire by the Privy Council of this House, that we might have an End of the Sessions before Christmas: 3. Degree, To confider of the Proposition of the Supply and the Manner; wherein, he thinketh, we should do best to advise with the Lords of the Upper House by a Conference: 4. Degree, That we declare our Readiness to affift the King, if he shall declare an open War; but that we should expect till the King himself shall declare publickly an open War.

SIR Richard Weston, Chancellor of the Exche-(140) quer, thinketh, that there is a Necessity that preffeth us very near for to give a Supply:—That the King hath done his Part to procure by Treaty a Peace, and he would have us now, fince a Peace may not be effected by Treaty, to do our Parts for a War: - That it is the Constancy and Reputation of this House, that, when in a Time of Peace we have engaged ourselves for a War, [that] we should not delay and be backward in it, when we fee there is nothing but War to be thought on or effected. Our Happiness hath been our Misery: long Peace hath made us unfit for War. There are Three Things confiderable in the Proceeding for War: 1. For a War of Diversion (wherewith this Kingdom hath been often sweetened) where to be: 2. For the scouring up of our old Friends: 3. For the preferving ferving of our own Country; for he thinketh it a preporterous Course to seek to gain other Countries,

and permit our own to be taken from us.

MR. Sollicitor faith, that there are Two Parts to be spoken to: 1. Whether we shall now resolve to give; and for this he will not so much doubt the Affection of this House, as now to persuade or question it: 2. What the Proportion shall be; how far for us to proceed, and how it shall be disposed. He desireth, first, that the former Proposition be now put to the Question, that we may not this Day rise without (having heard so many good Speeches of the Fitness and Necessity of a present Supply) resolving on some Conclusion or Determination.

SIR Edward Cooke faith, that he hath here a Book made by an Englishman hispaniolized; which Book fcandals this State and also Queen Elizabeth, and highly recommendeth the King of Spain; with whom, he faith, he will not meddle but se defendendo. This Book is called A Declaration of the Affairs of Holland. He faith, he will fpeak of Three Things. 1. He will shew, that the Laws of England are just and merciful: 2. That God hath wonderfully protected those of our Religion: 3. That God hath particularly protected and bleffed our Kingdom. For the first, that 2. Eliz. Pope Pius 5. offered to that famous Queen, that the Eucharist should be administered under both Kinds, and many other greater Matters, fo as the would acknowledge him to be the Head of the Church:-That the faid Queen never did make Laws against the Jesuits, till the was thereto provoked by themselves and their Conspiracies: - That in 13 Eliz. she made Laws only against Bulls, because there were Bulls sent hither to discharge her Subjects of their Allegiance: 25 Eliz. she made the first Laws against Papists; 26 Eliz. she made Laws against Jesuits and Seminaries, because they practised to kill her: - That in 1588, whilst our Commissioners were in Spain treating of

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Peace, there came hither the Grand Armada: - That there was 30,000 l. given to Lopus, who read to the Queen in Philosophy, to poison the Queen whilst he did read to her: and, a little before this should have been, there was fent a Book hither called Andreas Philopater, made, as it was thought, by the Jesuit Parsons, to possess the People with an ill Opinion of their Prince, that so they might the easier effect their Conspiracies:—That the Papists afterwards practifed to poison the Pommel of her Saddle, that so she, laying her Hand on it, might be poi-Walfingham, a Monk, noteth, fol. 5. that the first Rot (or Scab) that came amongst our Sheep was brought hither by one out of Spain; and every one knows, that Morbus Gallicus came first from Naples, which is one of the King of Spain's Dominions. Whereby we may fee, that there never came hither any thing from Spain, that did not either damage us, or endeavour it:—That he is forry there is fo common Access to the Spanish Ambassador's House: -That Fifteen Men harboured within the Walls of Troy did the Trojans more Hurt, than Ten Years Siege did: the Papists, our Enemies, are here in our Bosom, so as we are not in Safety at home. He will not look to what we have already given, nor think on the Subsidy to be paid in May, but would have us think of fomething now to be done; but, before we do resolve to give any thing, he would have us go on with the Business of the House.

SIR Robert Phillips saith, that those Princes are <sup>241</sup> most protected by God, who rely most on his Protection:—That we have received Three great Blessings of God in the King for us, and us for the King. 1. The Preservation of his Majesty in Scotland (from Goury's Plot) for us: 2. Us for the King in 1588: And 3. The King and both Houses of Parliament from the Gunpowder Treason here in this Place, that we may do him Service:—That Spain hath ever and will still make the Romish Religion

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the great Wheel or Engine to effect his ambitious Ends. He prayeth God, that we may be warned by our politic \* blazing Star, as we are by that natural blazing Star. He would not now have us put it to the Question, whether we will give a present Supply or no. If we give Subsidies now, they cannot possibly be levied to come so soon as the Supply is needful to be sent into the *Palatinate*. He would have us appoint a Committee to consider hereof, and to ripen it for the House, that we may the better know, how Money may be presently raised for a present Supply.

MR. Alford faith, that, fince the Powder Treafon, the Papists say, there hath been no Practice against our King; and he wisheth, that now, on our Loose with Spain, those who are about the King should look that he be not endangered. He would have us look on England as well as the Palatinate, and proceed with the Business of the House and the

Supply both together.

SERJEANT Afbley saith, that he thinketh there may be a present Supply given, but he would have the Business of the House go Hand in Hand with that of the Supply. He would have us give for a present Supply One Subsidy and Two Fifteenths.

SIR Jul. Cæsar, Master of the Rolls, would not have it put to the Question, whether we shall give or no. He thinketh the Business will be best de-

bated at a Committee.

SIR William Stroude thinketh, none but Popishhearted People will give with an ill Heart to supply the Army in the Palatinate; and would have a Committee to consider of this Business.

SIR Nath. Rich would have it cleared, whether we are bound or no by our Declaration to give; for he thinketh we are not thereby bound, and defireth to have it decided, because otherwise it may seem to

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take from the Freeness of whatsoever we shall now give. He would have his Majesty know of our Proceedings here in this Business before we resolve on giving a Supply, and would have a Committee appointed for that Purpose. He would have expressed some solemn Declaration of our Sorrow for the lamentable State of our Religion, and that in this Business we should begin with God. He would have a League confirmed between us and the Princes of the Union, by Act of Parliament, according to ancient Precedents; and then that we consider of our Safety here at home, and next of War abroad.

MR. Jo. Finch faith, that he taketh it, that we are now past all Hope of Peace; and then, a War being necessary, he thinketh we should debate and determine of what War; whether only of that in the Palatinate, or of a thorough War. He would have the Supply and Bills go Hand in Hand.

SIR Dud. Digs would have it put to the Question, what we have done here these Two Days; but it cannot be answered, for we have here only discoursed of our Grief for the general afflicted Estate of Religion and of the *Palatinate*, but have not yet ripened any thing for the Question. He thinketh, we are not fo strictly tied by our Declaration to give a Supply, as it is faid abroad, and yet are we fo obliged, as we cannot well discharge it without giving some present Supply. The Question, he thinketh, is to be, whether we will give a present Supply for the Preservation of the Palatinate or no. He would have us also appoint a Committee, to debate of what Supply we will give, and how foon we are to give it; but, what we shall agree to give, he would have given according to the ancient Parliamentary

Sir George Moore saith, that, there being in Queen Elizabeth's Time demanded here in Parliament an Aid for the Low Countries, it was referred to a Committee to consider of, and it is a good Thing to Vol. II.

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follow good and ancient Precedents in such weighty Causes and Businesses.

MR. Towerson saith, that a Supply cannot be returned by Bills of Exchange into the Palatinate, if it were provided, in less Time than Two Months, whereof he desireth this House well to consider.

SIR Guy Palmes faith, that the Country faith, that (24) we have already given Subfidies, but have brought them nothing. He would have us, first, to defire the Lords to go on with the Bills that we have sent up into that House, and that we here proceed with others, and that the Pardon may be prepared; and then we will give cheerfully to a Supply.

SIR Fra. St. Maure defireth, that a Committee may be appointed to set down a Course, how we should proceed in this Business, for otherwise we shall but wask in a Labyrinth: and that a Course be taken in the mean Time, that Bills may be made

ready for a Seffions.

It is resolved, that a Committee of the whole House shall consider, first, of a Course for Religion, and that the Laws may be executed against Papists: Secondly, to consider (for the House is already resolved to give) what, when, and in what Manner to give: Thirdly, of a Petition to the King, to have a Sessions before Christmas, and that this Committee shall have Power to appoint several Sub-committees.

## Wednesday, November 28.

MR. Alford faith, that it hath ever been the Course of Parliament, that the Clerk should read the Orders that are here made, as soon as he hath written them.

SIR Edward Cooke faith, that 27 Eliz. a Bill for the better Observation of the Lord's Day, being sent down hither from the Lords, with so many Amendments as could not be interlined, was, at the Entreaty En bei Lo

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Entreaty of the Lords, reengroffed here, and then, being examined by both Houses, was sent up to the

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WHEREUPON it is now ordered, that the Bill against Informers, having in it Thirteen several Amendments (which are more than can be interlined in the Bill) shall be here reengrossed, and so sent up to the Lords, together with the other old Bill and the Paper of Amendments which the Lords sent hither; that the Lords may see, that there is here nothing altered of their Amendments.

"AN Act for the Election of Knights, Citizens L. 2; and Burgesses to serve in Parliament."

By this no Person, being duly elected, shall surrender his Place.

SIR George Moore would have it provided in this Bill, that a Member of this House may not be henceforth (as it hath been the Custom) elected Sheriff; for no Member of this House ought to be absent from the House, nor any Sheriff out of the County.

SIR Edward Cooke would have the Committee not to clog this Bill, for that may overthrow it. He would not have it expressed in this Bill, that a Knight of a Shire should have 100 l. per Annum, which will be a Means to make all Knights of the Shire to be

100 l. in the King's Books.

MR. Weston would have it inserted, that no Man may be chosen Knight, Citizen or Burgess to serve in Parliament, but such as are of the Age of Twenty-one Years; for it is not fit, that they should make Laws for the Kingdom who are not liable to the Law.

[This Bill is committed.]

It is an old Order, that the House shall not be tied by any Order which is not here fully agreed on, and first publickly read here by the Clerk.

SIR Rob. Phillips moveth, that we may go to the great Business, according to Yesterday's Order.

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AT a Committee: the Speaker going out of the Chair, and Sir Edward Cooke being put into it.

SIR James Parrett saith, that, according to the Order Yesterday, we are first to debate of our Religion:—That it is the Practice of the Papists to educate their Children altogether with Recusants:—That himself had a Youth commended to him by the Will of his Father, who was stolen from him by Papists, and in one Month was made a Papist, and so continueth:—That the Papists labour also by Persuasion to seduce those of our Religion, and do it by their Books; as we have seen of late by the Book shewed here by Sir Edward Cooke. He would have all Papists to be banished the Town during the Parliament, and a Punishment to be inflicted on such as publish any Books or send any Youth to be educated beyond Sea, or with Papists.

SIR Rob. Phillips would have a felect Sub-committee appointed, for to fet down some Heads for a Petition to be by us presented to the King, to remedy these Abuses, and Wrong to those of our Religion; and that the Petition may not only be for the making of new Laws, but for the Execution also of [44] the old Laws; and that such Heads, as they should gather to this Purpose, should be afterward consi-

dered of at this Grand Committee.

MR. Pymme faith, that the King's Affections are all good in him, but, through Malice, the adverse Party hath made ill Use of them, and for his Majesty's and our Disadvantage. God saw all Things that he had made, and said, it was good; and yet the Devil, out of Malice to that Good, did work the Overthrow of Man's Salvation. He observeth Four especial Affections in the King, which; though they are all of them very good in his Majesty, yet are they abused. 1. The Mercy of the King, out of the Abundance whereof the King published in Parliament, that Men's Consciences ought not to be forced, nor any Man ought to suffer for Religion;

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out of this have the Papists wrought their ill Ends and brought divers Dangers to this State. For Remedy to this, he would have us, by Petition, to let the King understand, that the Execution of Laws against Papists forces not their Consciences, but prevents Mischiefs; and therefore he would have the Papists used like Madmen, and have all dangerous Weapons taken from them. The fecond Affection is the too much Lenity of the King, which hath made Papists insult and grow too bold. He would have us defire his Majesty to make himself the Object of his Lenity, and not the Papists. The third Affection is the King's too great Bounty; whereby, when the King hath for Reward of Service bestowed the Forfeiture of any Papist's Estate on any of his Majesty's Servants, the Papists have presently got the same again at very easy Rates. The fourth Affection is his Majesty's Friendship with other States; that other States, out of a Pretence of Friendship, have by Importunity obtained many Advantages against our Religion, and gotten too large a Liberty for the Recufants here. He desireth, he may not be mistaken and thought to tax the King for these Things; but he desireth only, that we should befeech his Majesty not to admit Papists to come so near him, to work on his Affections:-That we should intimate to the King, that none can get greater Popularity now than to be a Friend and Favourer of the Papists. Hitherto, he saith, all that he hath spoken of is concerning the King's Affections; and now he will speak of some Things to be offered to the King's Judgment and Reason. He would have it offered to the King, that the Incompatibility of the Popish Religion, of all other Things, works most for the Advantage of those Princes who are of it, to effect the Ends of their Ambition. He would now have it made known to the King, that the Pope hath blown over the Fire of his Romish Religion into this Kingdom, and that the Popish

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Party here are as Tinder ready to take Fire:-That it should be told the King, how the Papists flock to the Spanish Ambassador's; which is a Thing in foreign Parts not permitted, and whereof all are very jealous, even in Kingdoms where all are of one and the fame Religion. He would have us befeech the King, that there may be a Commission from his Majesty to some Men (whereof he would have us desire that some might be of this House, and some of the Upper House) to see the Laws here of England duly executed against Papists. And he would have these Things offered to the King by some honourable Members of this House.

Mr. Pymme's Speech at large \* as he delivered it to the King.

To the King's Most Excellent Majesty.

THE humble Petition and Declaration of John Pymme, Esquire, made by your Majesty's Command, concerning a Speech delivered by him in Parliament, the 28 Nov. 1621.

TOUR Majesty's most humble Servant, to his great Grief, hath received Notice, from the Lord Treasurer and the Chancellor of the Exchequer, of your Majesty's Displeasure conceived against him, by Occasion of some Reports touching a Speech of his in Parliament; and that, for your Majesty's Satisfaction, you had commanded him to deliver a Copy thereof in Writing: which Commandment it is impossible for him absolutely and precifely to perform; because he had written no Part of that Speech, before he uttered the same, and had not any Notes or Memorials thereof, but fuch as were retained in his Mind.

YET, to express his true Zeal and Care of his Duty to your Majesty above all earthly Matters, he

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<sup>\*</sup> The preceding contains such Parts of it as I was able to collect, when he spake it in the Parliament House,

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hath diligently examined his Memory, and prepared himself to give Account of those Matters whereof at that Time he spake with as much Modesty and humble Submission of his own Reason and Judgment, and with as much Loyalty and Respect to your Majesty's Honour, as was possible for his Heart or Understanding to conceive; and forthwith declared to those honourable Personages, from whom he received your Majesty's Pleasure, his Readiness to give Satisfaction in the Substance thereof, humbly defiring them to present his Cause to your Majesty, that it would please you to accept his Relation thereof by Speech, in which Manner it was originally propounded; because his Premeditation at that Time had been but short, and was digested with such Preparation as might scarce endure any transitory Aspect, much less the fixed Examination of your Majesty's Judgment.

By which Petition he did not feek to decline the fulfilling of your princely Command; but that, in the fulfilling thereof, he hoped to obtain these Advantages - That, if any of his Words should be ambiguous, or subject to any Misinterpretation, he (144) might be present to give an Exposition of them, according to the Innocency of his own Meaning: if his Reasons should seem weak or impertinent, the Errors of his Speech should sooner deserve Excuse, than the Errors of a Pen: and lastly, if in the Matter itself, or in the Course of handling, there should be found any Slip of his Judgment into an Offence against your Majesty, that he might have had the better Opportunity to clear his Intentions from all Imputations, and by an humble Acknowledgment of his own Weakness and Indiscretion to have submitted himself to your gracious Pardon.

Bur, having received from your Majesty a second and more strict Command, in dutiful Obedience thereunto he humbly beseecheth your favourable Acceptance of the Declaration following; wherein sincerely fincerely and ingenuously (though, perchance, to his own Disadvantage) he hath set down as much as he can remember of the Occasion and Matter, and espe-

cially of his Intentions in that Speech.

The Business then in Question and Debate, in the Commons' House of Parliament, was concerning a Petition to be framed to your Majesty, containing a Declaration of the Fear and Grief wherewith your Majesty's loving Subjects were possessed, by Reason of apparent Increase and Insolency of Papists, [and Proposition] of some Provisions against those Mischiefs, which were like to proceed from thence; and to that Matter of Religion only he applied all the ensuing Reasons and Discourse.

THE Distribution was into Three Parts. The first contained certain Motives, whereby your Majesty's Affections might be inclined to admit those Courses, which we should desire: The second divers Considerations offered to your princely Judgment, concerning the present Necessity of those Courses: The third some Means propounded, by which those Courses, being allowed by your Majesty, might be most effectually prosecuted to the Advantage of

Religion.

THE Points infifted upon in the first Part were,

THAT the Question was not of your Majesty's Zeal and Sincerity in your Profession, (all Doubt whereof his Heart doth much abhor) but of the Ways and Means, whereby that Zeal might be most beneficially exposed to the Advantage of Religion.

THAT the Life of the Parliamentary Resolutions was in your Majesty's Consent and Allowance; and therefore we ought (above all Things) to labour for your gracious Favour, which only could so cherish and quicken our Counsels and Endeavours, that they might produce good Fruit to the Church and Commonwealth.

THAT fome Things, which were great Virtues and Rarities of Nature in your Majesty, might, contrary

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contrary to your Ends, be misapplied to the Disadvantage of Religion; which he was induced to think might be spoken, without Dishonour to your Majesty; because, although God himself had pronounced of his own Works, they were good, yet that created Goodness did not prevent the Devil's Malice and Subtilty from bringing Evil into the World: though the Law of God was a perfect Law, yet Sin took Occasion by the Commandment, that it might be out of Measure sinful.

THE Graces, then recited and confessed to shine in your Majesty's Actions more than in any other

Prince, were five, viz.

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1. PIETY to God.

2. LENITY to your Subjects.

3. Bounty to your Servants.

4. FRIENDSHIP to your Allies.
5. WISDOM in the Governance of your Affairs.

1. Your Majesty's Piety was acknowledged in the Tenderness, not only of your own, but other Men's Consciences; in that you had publickly declared, that you would have no Man's Belief forced, in that you had provided and incited the Clergy to be careful to reduce those into the right Way that did err; the Word of God being the ordinary Means whereby his true Religion was to be manifested and propagated. And, lest the Misinterpretation of this Piety might give some Colour to the Negligence of Officers in the Execution of Laws against Papists, with due Reverence to your Majesty's great Judgment it was observed,

THAT some Errors are only seated in the Understanding, and so are merely intellectual, or else misguide the Practice and Devotion in the Manner of worshipping God: other Errors extend themselves farther, to the Distemper of the State; and that it hath always belonged to the outward and coercive Power of Magistrates, to restrain, not only the

Fruit,

Fruit, but even the Seeds of Sedition, though bu-

ried under the Pretences of Religion.

THAT the same Rules of Faith, from whence the Papists receive the superstitious Part of their Religion, do bind them to other Opinions and Practices, dangerous to all Princes and States, which

shall not allow of those Superstitions.

THAT this Error in the Understanding, which makes the superstitious Part, and the Malice of their Will, which makes the seditious Part of that Religion, being knit together by one entire and indivisible Authority, if they should both be received under the Grace and Shadow of your Majesty's Piety, it may be justly feared, that (while the Errors are unlike to be cured, because they withold [245] themselves from the Means) the Danger and Power of their Malice will be much increased.

THE Aim of the Laws, in the Penalties and Reftraint of Papists, was not to punish them for believing and thinking; but that they may be disabled to do that which they think and believe they

ought to do.

2. It was acknowledged, that, as the Image of God's Power is expressed in your royal Dignity, so is the Image of his Goodness by your Lenity and Clemency, in that you would not the Death of a Sinner: yet, if this Goodness do not shine upon the Popish Priests and Jesuits without some Hazard to your State, that your Majesty would be pleased to allow us, in Duty and Humility, to offer unto your sacred Person the Prince and best of the People, as more worthy Objects of that Goodness.

3. Your Bounty to your Servants was confessed to be a just and honourable Work of Grace; but that some of them, who had been Partakers of that Bounty, had conveyed those Grants of the Forseitures of Recusants, which your Majesty bestowed on them, to the Use of the Recusants themselves; which did

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4. It was declared, that your Majesty had not only made evident to the World your Justice and Integrity, in the Preservation of your Leagues and Treaties with other States; but that you had ever been ready to add somewhat of your own Kindness and Magnisseence. And yet some Cause of Fear was propounded (not without an humble Protestation neither to speak or think otherwise than reverently of foreign Princes, and their publick Ministers) that, out of your princely Disposition, some Occasions might be offered to the Advantage of Religion. The Inducement of which Fear was thus:

FRIENDSHIPS consisting more in the Equality of Conditions of the Persons, and being a mutual Obligation to the Exchange and Intercourse of good Offices; if on either Side there should be more giving than retaining, it must, upon Necessity, grow to a Consumption and Decay on that Part, by which such Lagrandian is to be sufficient.

fuch Inequality is to be fustained.

It had been observed by some other Members of this House, that your Majesty is the chief Head and Defender of those who profess the Reformed Religion, and that another Prince is the Head of the Popish Religion: from whence it was inferred, if by Mediation of foreign Princes those Courses are stayed, which are likely to hinder the Increase of Papistry in your Majesty's Dominions, and no such Effect can be obtained by your Mediation with some of those foreign Princes; that this Inequality, opening a Way for the Decrease of your Party, and admitting no Way of Increase, may humbly be feared to be to the Disadvantage, not of the Cause alone, but to the Furtherance of their Hopes, who shall desire the impairing of your Majesty's Strength.

In this Place was interposed an humble Request, not to conceive that he did affirm all those Things whereof he had, or should speak; but that he might

he

be allowed the Extent and Liberty, which doth belong to all Confultations, to debate, not of Positions and Affirmatives alone, but likewise of Probabilities and mere Suppositions; which, in some Causes, are proper and necessary Subjects of Providence and Counsel.

5. If there could be any Degrees in Superlatives, it was acknowledged that your Majesty's Wisdom would appear in a Lustre above your other Virtues, as by these Virtues you shine above other Princes. The Doubt in this Place was derived from an Object, which might be proposed to a principal Act of that Wisdom, the Care and Wariness in the Preservation of your Royal Person, which cannot be called Fear, but a just Estimation of that precious Life, upon which depends the Safety and Happiness of so many Thousands.

It had been observed the Day before, that Treafons have not been so frequent in your Majesty's Time, as in the Time of the late Queen; and from that Occasion did spring this Doubt, that it was possible this Computation might be propounded to your Majesty as an Effect of the Contentment of the Papists under your mild Government, to the urging whereof they might be the more encouraged, because great Minds are over apt to enjoy and de-

light in the Fruit of their own Goodness.

AGAINST the Advantage that they might have by this Computation were alleged these Three Reasons.

I. That the Hopes which they had in the late Queen's Time of the Amendment of their Condition and Estate, after her Death, did press them on to those often and desperate Practices. To nourish these Hopes, the Silence, wherein the Right of Succession was then kept, gave them Occasion to question your Majesty's Title, by publishing the Pretensions of other Princes of that Profession; and some of them were put in Expectation of your Majesty's

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do ai Unity poral the Is to br vours they press from ority Acco Cour it arr jesty's Favour to their Religion, by false and supposititious Letters. But now that the State of Religion is fixed, both for the present and suture, by your Majesty's learned and zealous Profession, and by the like Education of the noble Prince, what Fruit can they receive from such Practices, but Envy, Danger and new Rigour of Laws? Yet, if the like Hope should be renewed, it may well be doubted, that the Practices will likewise renew; and Hope is an Affection not limited by present or succeeding Generations, but will reach far into suture Times, and (wound up by Religion and Conscience) will ever be ingenious to remove those Impediments which are interposed to it.

2. That the Grace and Sweetness of your Majesty's Government is unlike to qualify the Eagerness of their Humours, which doth not consist in their own particular Dispositions, but in the Principles and Form of an ecclesiastical State and Religion, within which are involved the Affections of private Men; that upon all Occasions, contrary to their personal Inclinations, they shall be transported according to the Temper and Motions of that Body

whereof they are but Members.

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3. That the Doctrine and Positions of that Church do aim at the reducing of all other Religion into an Unity with itself, not only by spiritual but by temporal Means; and, though they may be enforced by the Indisposition of Occasions and Affairs of State to breathe and stop upon the Way, yet their Endeavours will rest in no Degree short of their End. If they should once obtain a Connivance, they will press for a Toleration, from thence to an Equality; from an Equality to a Superiority; from a Superiority to an Extirpation of all contrary Religions. According to the Condition of natural Motions, this Course will be more strong and speedy, the nearer it arrives to the Centre and Place of Quiet.

THE

THE Use of that Computation being thus endeavoured to be cut off, some other Grounds of Jealousy, from that Part, were propounded thus:

As God, together with the Being of Things, had infused into them certain specifical Qualities and Instincts, aptest for the Preservation of that Being, so, by a Kind of Proportion and Resemblance, it might be said, that the State of Monarchy, which is the perfectest State of Government, doth breed in the Hearts of all Princes certain Inclinations and Affections, apt to preserve Monarchies.

Two of these general Affections were mentioned,

Dependancy) to be within his own Dominions, as God is in the World; that all Power and Favour should be derived from him, all Services dedicated to him. This Independancy upon others is broken in all that Party adhering to the Church of Rome, by their Subjection to foreign Ecclefiastical Jurisdiction; which, according to their Faith, implies an indirect Temporal Power, at least; and is likewise brought into Hazard and Jealousy to be broken by the Favour, which they receive from other Temporal Princes, and by the Joy which they expressed on the Success of those Affairs, which have fallen out contrary to your Majesty's Designs, and the Good of your Children.

2. ALL Princes do dislike, that a Subject should bear too great Sway in the Affections of their People; Popularity being distasteful unto them, because it hath often brought Danger to States, when it hath fallen upon innocent and good Men, against their Wills. When Christ himself was grown into Estimation, by his Virtue and Miracles, the People would by Force have made him their King. The Papists were held to be a strong Party, by Reason of their Number, their mutual Intelligence and Conformity of Designs; so as it may well be conceived, that there is no Way in this Kingdom for a Man

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In the fecond Part was placed a fincere and humble Acknowledgment, that your Majesty's great Knowledge of the present State of Affairs, and of the Consequences of them, could not be enlarged by any Advertisement of our's: yet, because it is not unprofitable to review one's own Knowledge, and that the Understanding doth often apprehend more by reslected Beams, in the Representation of former Objects, than by the first View of them; it was humbly offered, that some Things in this Kind might be submitted to your Majesty's Judgment.

1. THE Incompatibility of that Religion with our's.

2. THE present Effects of that Incompatibility, by the Fires of War and Civil Dissention kindled in many Parts of Christendom.

3. THE Endeavour to transport some Sparks of that Fire into this Kingdom, by the Pope himself, in his Letter to the *French* King; which he confessed himself to have read, before the same was prohibited.

4. THE Aptness of that Party here to receive the Fire; some probable Causes of which Aptness are recited: the Taint and Corruption of Youth by soreign and Popish Education; the frequent Resort of Priests and Jesuits into all Parts of the Realm; the scandalous Printing of seditious and superstitious Books; the familiar and open repairing to the Houses of foreign Ambassadors; which in all States, though they agree in Religion, hath been held a Matter of Jealousy and Suspicion.

In the third Part were contained Two Propositions, to be humbly presented to your Majesty.

of the late Queen) your Majesty will be pleased to direct an Oath of Association to be taken and framed for the Desence of your Majesty's Person, and for the

the Maintenance and Execution of the Laws made

for the establishing of Religion.

2. That you would likewise be graciously pleased to appoint select Commissioners for the putting into Practice such Courses, as, according to Law, shall be most effectual for suppressing of Popish Recusants; which Proposition was derived from your Effects, in your Reformation of your honourable Houshold and of the Navy, by directing the Course from the ordinary Course of Officers to the special

Diligence and Care of Commissioners.

This he doth faithfully protest to have been the Scope and Drift of his Intention at that Time, without any wilful Difference, but only in the Words, whereof he had no Copy, and without any artful modifying of those Clauses, which might seem offensive to your Majesty; with this humble Petition, that it may be received, not as a present Opinion and Discourse, but with Relation to that Time wherein it was spoken, upon a Business whereof he found the Parliament possessed, and for which he did not prepare himself by any Conference with others, or Premeditation, more than the Morning before his Repair to the House would afford him; and that all the Defects in this Report may be imputed to the Weakness of his Memory, all the Faults in the first Frame to the Want of Judgment; and that your Majesty's Goodness and Pardon may redeem him from the Loss of your princely Favour and Grace, whereinto his own Errors may have engaged him.

AND, as he never confented to any Thought contrary to his Duty, but in all his Motions did labour to advance the Confidence and Love of your People to your Majesty, and those other honourable Ends, for which this Parliament was summoned, without any Declination to private Respects; so will he ever, according to the Obligation of his Conscience and Duty, wholly resign himself to your Majesty's Ser-

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vice, with Sincerity and the utmost Endeavour of his Person and Estate, to obey your royal Will, and with Humility and Modesty to submit himself to your Pleasure.

SIR Edward Cooke would have one and the same Committee appointed for the Business of Religion, and for the preparing for a Sessions; and then that we should presently proceed with the Supply.

SIR Ed. Giles would have the Committee to con-

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It is by Question ordered, that there shall be a Committee appointed to consider of a Petition to be delivered to the King, for the Execution of the Laws against Papists, and any thing else touching Religion; and another Petition to be delivered, that we may have a Sessions before Christmas: and, that the Committee shall have the Essect of what hath been spoken here, touching these Two Points, by Notes out of the Clerk's Book, and shall reduce the same to some Heads, and shall sit Tomorrow in the Asternoon, in the Court of Wards.

Touching the Business of a Supply for the Palatinate; wherein is to be considered of, what is to

be given, when, and in what Manner.

SIR Nath. Rich faith, that it is to be considered (448) by the Committee, what or how much is fit to be given: and to know this, we are first to consider the State of the Palatinate, as it stands. And for this he would have us appoint a Sub-committee of this House, of such as know the State of the Palatinate, and have been in the Wars, and know best the Charge of a War.

SIR Thomas German faith, we are now to confider of a present Supply, to keep Count Mansfield's Forces and our's in the Palatinate together, and not to consider of the Maintenance of a long War.

MR. Secretary faith, that the present Supply is to be given to our Countrymen under Sir Hor. Vere and Vol. II.

to Count Mansfield's Army: and, that which is now to be confidered of is a present Supply to keep the Forces in the Palatinate together, and not for a Sup-

ply of a long War.

SIR Rob. Phillips faith, that the present Supply to be given is but to maintain the Army there for Two or Three Months, whilft the King doth labour by Mediation and Treaty to get the Palatinate. He would have us give what we think fit to be given, in a Parliamentary Course; and he thinketh, one Subfidy will be enough for the prefent Supply, and therefore would have us now give fo much, as shall make up that Part of the Subfidy which is yet unpaid one whole Subfidy.

SIR Edw. Warder faith, that it appeareth by the Books in his Office, that the last Subsidy was but Threefcore and Eleven Thousand Pounds; and a Fifteenth is usually Twenty-nine Thousand Pounds: —That the Nobility's Subfidy was included in the Threescore and Eleven Thousand Pounds; but the Subfidy of the Clergy is a diffinct Thing, and did not this Year amount to above Twenty Thousand

Pounds.

SIR William Stroude would have but one Subfidy given; and he would have the Papists to pay duly what by the Law they have forfeited to his Majesty, and that they should also be taxed to give more than what their Share comes to. He would have this Subfidy levied only of the principal Gentlemen of the Country, and that the poorer Sort should not be taxed at all. If this Subfidy be not enough for the prefent, we may give more in February, when we meet again.

Mr. Thomas Crewe would know, against whom we should give, that we might proportion our Gift lecundum majus & minus. He would have us take heed we give not a third Subfidy, to be paid within One Year; for there is no Precedent of it: but yet he would have a prefent Supply given, fo as we

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might have some Bills. He liketh that we should give a Subsidy now, but would not have it to be paid within the Compass of that Year wherein we have already given Two Subsidies to be paid already; but the Supply might be otherwise taken up, and what we shall here give may be an Assurance for those who lay it out.

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SIR Edward Cooke would have all convicted Papists to pay double Subsidies; for they are more Strangers to our Faith and the Good of the Commonwealth, than Strangers who, by our Law, pay double Subsidies: and he thinketh, that this Addition (if it be truly levied) will make the Subsidy 100,000 l.

SIR Henry Poole would have Papists pay double Subsidies; and he thinketh one Subsidy to be enough for this Time; and hopeth, that it, being given with Alacrity, will give good Content to the King, and supply well enough the present Occasion and Necessity.

SIR George Moore saith, if we give not speedily, we diminish our Affections to the Good of the Palatinate; but he would have a Committee of such of this House, as are skilled in warlike Affairs, to set down a Proportion what we should give.

Mr. Alford faith, that it belongeth only to the King to make War, and to us only to aid him in it, and not to us to make a War. He liketh that one Subfidy be given, but would have expressed, in the Preamble, the Necessity and weighty Occasions of our giving this third Subsidy, it coming within the Compass of one Year, that it may not be drawn into a Precedent for the like hereafter.

SIR Tho. Hobby would have the Papists pay double Subsidies, and would have Power given to the Justices of Peace, as well as to the Sessiors, to affess the Recusants, and that they should pay at their Mansion House, wheresover they dwell; for otherwise they will shift away, and have no certain Place of

Rr2 Abode.

Abode. For the Recusants now-a-days pay nothing at all to Taxes or Subsidies, nor are at the Charge to find any Armour or Horse, as other Subjects do; excusing themselves that their Lands are all in the King's Hands by the Statute whereby Two Parts of

Three of their Land is given to the King.

SIR John Strangewayes saith, that he liketh that one Subsidy be given, and Recusants to pay double; for they live here at a low Rate of that other Men do; for they never undergo the Payment of any Church Taxes to the Poor or others, nor the Charge of being Justices of Peace, nor are ever made She-uniffs, and are also free from divers other Charges and Taxes. And he would that all Recusants, either convicted or known Recusants, who take the Profits of their Lands, should also pay double Subsidies.

SIR Nath. Rich faith, that the King hath not defired any thing this Parliament of the House, wherein the House hath not shewed their Affections, and, by the Manner of giving or granting it, have exceeded the Matter of the Gift; and he would not have one Negative heard in any thing we grant to this King, and therefore desireth the Question may be put only for One Subsidy.

It is, by Question, agreed on by this Committee, that one Subsidy shall be given for a present Supply of the *Palatinate*, and that Papists convicted should pay double Subsidies, and that this Subsidy

should be paid in February next.

SIR Geo. Chaworth moveth, that the House will now take Mr. Towerson at his Word, and in lieu of the Twenty or Thirty Subsidies, which he said the Merchant Adventurers would give, that that Company should lay out this promised Subsidy presently, and that the Country should pay it in Order.

MR. Secretary faith, Necessitas est extrema lex: there is a great Necessity of a present Supply:—That the King hath already disbursed 40,000 l, lately, for

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the *Palatinate*, and before that so much as doth amount to the Arrearages of the Subsidy to come, and he is to pay it shortly; and, if this Subsidy come not sooner than *August*, as is proposed, the King will not be able to take up any more.

SIR Hen. Poole would have the Subsidy paid in

February next.

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SIR Tho. Wentworth would not have us capitulate with the King, nor to give the Subfidy on Condition to have a Sessions before Christmas; but would have us petition the King for a Sessions, without Hope whereof he would not have given this Subsidy. And the whole House saith the like.

THE Speaker goeth into the Chair.

SIR Edward Cooke reporteth, that the Committee hath resolved that Two Petitions shall be drawn: The first for the Advancement of Religion; the second for a Sessions before Christmas:—That it hath also resolved, to give one entire Subsidy, nullo contradicente, to be paid in February next, for the Supply of the Palatinate; and that all Papists convicted shall pay (as Strangers) double Subsidies, and also all who are known Recusants, and that they shall be affessed by the Commissioners for the Subsidy, in the Place of their Mansson House, or where they have Lands; and, if they have no Mansson House, then where they abide, and for all those Lands or Leases, whereof they, or any for them take Profits.

It is ordered, by Question in the House, that all those Three Businesses, that were agreed and resolved on by the Committee, shall so stand, and be in Manner and Form as hath been reported by Sir Edward Cooke.

MR. Noye moveth, that there may be a Bill drawn, that, notwithstanding the Sessions ends before Christmas, yet the Business of the House, as well Bills as other Matters here depending, may stand in the same State as it is, and not be cast back; and that

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the Patents brought in hither, by Order of the House, may not be taken away, but remain here till our next Meeting.

Ir is ordered, that Mr. Noye, Mr. Crewe, and Mr. Hackwell do prepare and bring in such a Bill.

SIR Nath. Rich moveth, that whosoever stands accused here in this House for any great Faults or Misdemeanours may be excepted and exempted out of the General Pardon; for otherwise all our Actions and Pains in those Businesses are frustrated.

This Motion is liked of, but the House doth forbear as yet to make any Order in it, because it will be more properly spoken of and inserted, when the

General Pardon comes to be here read.

## Thursday, November 29.

It is resolved, that the Committee for the examining the Abuses of Courts of Justice shall sit every other Day in the Court of Wards, and are to begin Tomorrow.

"An Act for Confirmation of a Judgment, given for the King's Majesty in the Time of Parlia-

" ment, on a Writ of Scire facias, against Henry Herne, and for a Declaration of his Letters Pa-

"tent, granted to the faid *Henry*, for the fole falting and drying and packing of Fish in some cer-

" tain Countries, shall be void."

This Judgment was given, because the Patent was granted on false Suggestions, and it being against the Liberty of the Subject.

This Bill came from the Lords.

"An Act for the better granting of Adminiftrations, for the Manner of disposing of Goods

" administered, and for the better employing of the Money taken for Commutation of Penance."

By this Bill the Administration is to be granted to the Husband or Wife: if there be no Husband

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or Wife, then to all the Children; and, if there be above Six Children, then to the Six eldest Children; and, if there be no Children, then to the next of Kin at the Common Law; and, if he will not administer, then the next to that, &c. And that Letters of Administration shall not be granted within Ten Days after the Death of the Intestate:—That the Surplusage of the Goods administered shall remain to the Administrator.

DR. Zouche would have, that, if none of the Kindred will accept of the Administration, then the Creditors of the Intestate may have the Administration.

DR. Googe saith, that a Wife may be a Stepmother, who commonly hath a Jointure, and she may wrong the Children, who, it may be, have no other Portions than what may arise out of the Intestate's personal Estate; and therefore desireth, that the Committee may consider hereof:—That, for the Commutation Money, he would have it provided here, that the Money commuted may be recorded in the Court, and the Year following an Account delivered, how it hath been employed.

MR. Alford would not, that a young Man's Offence (for all are subject to Errors) should for the first Time be recorded in the Courts to his perpetual Infamy; but some such Things should be left to the Discretion of the Judge. [This Bill committed.

It is refolved, at the Motion of Sir George Moore, that, when a Bill is committed, one of the Committee shall be still, at the Commitment of it, particularly named to take such a Bill.

" An Act for the naturalizing of Elizabeth and "Mary Vere, Daughters of Sir Hor. Vere."\*

A COMMITTEE is appointed to examine the reengrossed Bill against Informers; and it is agreed,

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<sup>\*</sup> This Bill is passed this House at the Third Reading.

that then we shall fend to the Lords, to desire a Meeting with them, for the like Examination of

the faid reengroffed Bill.

SIR Edw. Cooke moveth, that, fince there are fo many Grievances here in the House complained of, (being, at the least, Twenty-three in Number) as that we cannot make Laws against them all, that we should have a Petition made to the King, befeeching his Majesty to be pleased, by a Proclamation or otherwise, to decry or make void the same; and that this Petition, and his Majesty's Answer to the fame, may be (according to ancient Course) here enrolled and recorded.

IT is refolved, that a Roll shall be made of all the Grievances, by a Committee here appointed; and that they consider of Petitions to his Majesty for Remedy to the same: and, for the better effecting of this, and holding us to ancient Precedents, that there be brought out Petitions heretofore exhibited to former Kings of the like Businesses; and, that these Petitions, when they are drawn, and thus effected, shall be here enrolled, and likewise the King's

Answer to the same.

SIR Robert Phillips's Report concerning the Proceedings of Lepton and Gouldsmith against Sir Edw. Cooke; which he divideth into Three Parts. 1. The Practice and Plot: 2. The Practifers: 3. The Proof and Teltimonies. Concerning the Practice, he faith, it was against Sir Edw. Cooke; taxing him with Injustice, and deceiving of the King. 2. Lepton and Gouldsinith (a Lawyer) are the Practisers; they having both of them Patents here condemned for Grievances. 3. The Proof is by Papers and Teftimony: - That Lepton fent a Letter to a Lady, whom he did not name, certifying, that they had now Matter enough against Sir Edw. Cooke to ruin him; but, if her Ladyship would not have them proceed, they would defift. Another Letter to a Lord, touching Two Petitions delivered the King against Sir Ed. Cooke:

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Cooke; one for 8000 l. the other for 30,000 l. Another to Mr. Gouldsmith from Lepton, certifying, that the great Lord, his Friend, would have him come up to London, where was the knocking Bulinels; and that, if himself could not come, that then he should fend Farrington: - That Gouldsmith said to the Committee, that this Business had its Original before the Parliament; and some Part of it was for the Business of Parliament:—That the Lord Haughton faid, it was dishonourable for him to meddle in any such Practice against Sir Ed. Cooke; between whom and his Lordship the World knew there was a very great Distaste: -That Gouldsmith said, he had communicated the Eleven Articles to the Lord Haughton:—That, on a Petition, the now Lord Keeper did affign Council to Lepton and Gouldsmith for the prosecuting of the Bufiness against Sir Edw. Cooke in the Star Chamber; and that Mr. Speaker was named the first of the Council affigned :- That Gouldsmith and Lepton practised with one Howard against Sir Edw. Cooke: - That Gouldsmith told one Gardner (as one Lawrence affirmed to the Committee) that there was a Business on Foot against Sir Ed. Cooke, to crush him; and, that the Reason why he and Lepton did prosecute Sir Edward Cooke to bitterly was, because Sir Ed. Cooke was their heavy Enemy in the Parliament House, and had (251) overthrown his Patent for the freeing of such as had not ferved out their Apprenticeships.——As for the Eleven Articles against Sir Edw. Cooke, practised and framed by Lepton and Gouldsmith, and written with Gouldsmith's own Hand; the first is, that Sir Edw. Cooke, being Attorney General, and defirous to purchase a Recusant's Lands, 4 Jac. discharged Four several Recufants, and gave an Antedate of the Confession of Recusants' Lands. 2. For discharging of Bills in the Star Chamber, he being chief Judge there: and this was in Mr. Wentworth's Case, for ancient Friendship; and did by Threats force one Tod, the Informer, to give over the Suit. 3. For Champerty and

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and Maintenance, being a Judge; and this was in the Case of Lady Cleere. 4. That in the Earl of Arundel's Case, by giving a false Direction, he enforced a Jury to give a false Verdict in a Cause before him, then being a Judge. This is to be proved by Mr. 70. Bafill. 5. That, one 70. Howard having Lands near Sir Ed. Cooke in Suffolk, he did force him to fell the fame at under Value. 6. That, by long imprisoning of one Sturges, he did force him to give over his Bargain. 7. That one Wilde, being arraigned before him for poisoning of a Man, and not guilty, yet by the Cruelty of Sir Ed. Cooke was condemned and executed. 8. That he quitted a Woman, being arraigned for killing of her Husband. 9. For his ridiculous and barbarous Behaviour and Carriage in the Place of a Judge, comparing of himself blasphemoufly to Samuel.

MR. Speaker faith, that, if Sir Ed. Cooke did any one Favour in the Star Chamber, it was to this

Gouldsmith.

Mr. Tho. Crewe affirmeth what Mr. Speaker faith, and addeth, that Sir Ed. Cooke faid in the Star Chamber, in Gould/mith's Case, that he would not have a

young Man crushed.

MR. Noye saith, that they who make Confederacies against a Third Person, whether they prosecute the same or no, are punishable by the Law:—That the End of these Conspirators was to discourage this House, and any one here, to proceed against such Businesses here; and therein they have plotted against this House. He would have us send for Mr. Gould-smith and Lepton (if they may be found) to hear their Answer, before we proceed any further herein; for it may be, they can shew that it is lawful to conspire against a Man.

Mr. Hackwell saith, that a Conspirator, by the Law, loseth the Franchise of the Law:—That his Houses are to be pulled down: he shall be of no Jury, nor appear, but by Attorney, in any Court;

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nor come within Twelve Miles of any Court of Justice here at Westminster: their Trees are to be rooted up, their Goods forfeited. Vide plus of Conspirators in the Book of Assize.

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SIR Robert Phillips saith, that Lepton wronged his Majesty; for he ever bragged, that the King would grant a Warrant, under his Hand, to prosecute these Things against Sir Ed. Cooke:—That Farrington told this Day a Member of this House, that Gouldsmith and Lepton said, that, if they could not have their Wills against Sir Ed. Cooke, [that] then they would procure him to be sent out of this Country into Ireland, there to end his Days.

It is resolved, that Mr. Gouldsmith shall be heard here Tomorrow as a Delinquent, at the Bar, and Farrington to be likewise sent for against that Time.

SIR Ed. Sackville faith, that Lepton hath, in Contempt of this House, executed his Patent, notwith-flanding it is here condemned.

It is ordered, that Lepton (if he may be taken) shall answer his Contempt herein; and, that it is the Opinion of the House, that his Patent shall cease further Execution; and, that a Warrant shall go to the Serjeant of this House to find out Mr. Lepton.

SIR Hen. Spillar defireth, that, fince he hath been here long accused, the Examination against him may be brought into the House, and put into the Balance of the Justice of this House; and, that he may have Copies of the same, and Time to answer them.

SIR Nath. Rich saith, that there are divers foul Examinations, delivered unto the Committee, against Sir Henry Spillar, tending to the Disinherison of the King, and to a present Toleration of Religion. He saith, that the Accusations are such, as they who inform will thereby do the King good Service, or else deserve a heavy Punishment. He desireth, that, since it is a Business of so great Consequence, [that] there may be some Order presently to go on with the same.

SIR Edw. Sackville faith, that Lepton, on a false (252) Information, got Letters for the Execution of his Patent; but the King, understanding hereof, referred the same to the Lords, who have called in the said Letters.

SIR John Strangewayes desireth, that Sir Hen. Spillar may have Copies of the Accusation against him.

SIR Nath. Rich faith, that the Accusers of Sir Hen. Spillar have not as yet said (as they say) all that they would against him; and therefore he desireth Order may be given, that a Committee may be appointed for the further Examination of that Business.

A COMMITTEE is accordingly appointed; and it is ordered, that the Parties accusing shall come free-

ly to the Committee without Arrest.

MR. Ed. Spencer saith, that it is against the Orders of the House, that Copies should be given of a Business, before it be reported to the House; and it

is fo refolved here in the House.

SIR George Goring moveth, that, fince the King hath taken a pious Course by Treaty to make Peace in the Palatinate, he would have the House draw a Petition to the King, that, if the King of Spain shall not withdraw his Forces out of the Palatinate, and give over to assist the Emperor in those Wars, either directly or indirectly, [that] then we may have a thorough War with him.

It is ordered, that Sir George Goring's Motion shall be debated here in the House, before it be referred to the Consideration of a Committee; and that a particular Committee shall be appointed for the same.

## Friday, November 30.

" of Lands, between the Prince and Sir Lewis Wat" fon, Knight." [Committed.

The Petition of divers Brewers, who complain of the Imposition of Fourpence on a Quarter of Malt:—

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Malt:—That they, depending upon their former Complaint made hereof here in this House, were, after the breaking up of the last Meeting, committed to the Prison; and they now desire to be released, and here heard.

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MR. Snelling faith, that there are fome Brewers who pay for this Tax of 4d. on a Quarter of Malt 100 l. per Annum and above.

SIR Tho. Edmunds, Treasurer of the Houshold, faith, that this 4 d. on a Quarter of Malt is agreed on by a Composition between the King and the Brewers of this Town, that they might be thereby freed from having Malt taken up for the King's Provisions; and one of the Petitioners was committed by the Lords of the Council, for ill Language.

SIR Robert Phillips would have the Peritioners heard, and this Business examined; for, if it be a voluntary Composition, there is no Reason, but they should be tied to it: but, if it be compulsory, and not made by the major Part of the Brewers, that they should be released of it; for this may lead the Way to have a Tax or Excise on all our Victuals.

A Brewer, Member of this House, saith, that this is a Composition, but made in the Nature of an Imposition; for there were Six or more of the principal Brewers of this Town that were committed, and lay long in Prison before they would yield to it. He desireth, the poor Men, who stand committed for this Business, may be released, and the Cause examined. He saith, that there is one of the Petitioners, that oweth more for this Tax than he is worth.

MR. Alford would have a Business of this Nature examined by a Committee of the whole House:—
That Impositions of this Nature overthrow the Liberty of all the Subjects of this Kingdom; and, if the King may impose such Taxes, then are we but Villains, and lose all our Liberties.

MR. Mallet faith, that this is but a Composition for Purveyance at the best; and he thinketh, the King,

having a Composition of Purveyance, ought not to have it of Malt also.

Ir is ordered, by Question, to be heard and examined here; and all the King's Council of this House, and all the Lawyers of this House are to be present; and the Prisoners Petitioners are to be heard with their Council here, and to that End are to come here with their Keepers: and the King's learned Council, who are not of this House, shall also be here heard this Afternoon before any Business.

It is ordered, that one Napper, who did arrest one Mr. Brereton (or Bruerton) a Burgess of Taunton and Member of this House, shall be by Warrant sent for by the Serjeant; and also one Maynard, who likewise served the said Mr. Brereton with a Citation.

SIR Rob. Phillips faith, that this Napper is a Companion of Churchill the Registrar, who standeth in this (253) House by his own Confession and Proof so foully faulty.

SIR Rob. Phillips faith, that Farrington, being examined by a Committee of some of this House, said, that Gouldsmith and himself went to the Lord Haughton, and advised with him of the Business against Sir Edw. Cooke; and that, being with the Lord Haughton a fecond Time, his Lordship advised him and Gouldsmith to draw a Petition to the King against Sir Edward Cooke, and that, when they had drawn the Petition, they should bring it to his Lordship, before they got it delivered to the King :- That Gouldsmith told him, that the Lady Hatton was acquainted with this Business against Sir Edw. Cooke: - That Lepton faid, that some of the greatest Men in the Kingdom were acquainted with this Business; and that, if the Business of the Star Chamber did not hit Sir Edward Cooke home, [that] then he should be sent over a Commissioner into Ireland: - That Sir Hen. Yelverton, Serjeant Asbley, and Mr. Hudson were (as Farrington faid) affigned by the now Lord Keeper for Council against Sir Edward Cooke; and that Mr. Hudson had drawn a Bill against Sir Edw. Cooke; but that ton)
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to m trans that he did at first refuse (though importuned by Lepton) to draw the same; and that thereupon Lepton took him a Warrant from a great Person, commanding him to draw the same Bill, and enjoining him Secrecy and Silence in the same Business:—That he desired the Committee would pardon him, that he did not tell, from whom the Warrant was; but, if the House commanded him to name him, he must and would speak the Truth.

It is ordered, that the Committee for this Business shall further examine Mr. Hudson hereon, and any other whom they shall think sit.

"An Act for the better securing of the Subject from wrongful Imprisonment and Deprivation of their Trade and Occupation, contrary to the Twenty-ninth Article of Magna Charta." †

"Woolfels and Fuller's Earth, or Woollen Yarn out of this Kingdom, or out of Ireland, into the

" Parts beyond the Sea."

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By this Bill it is made Felony to transport any such Things; and every Master of a Ship or Searcher, or other Officer, knowing of the Transportation thereof, shall be likewise Felons: with a Proviso, that there shall be transported into the Isles of Guernsey, Jersey, Sarke and Alderney 900 Tod of Wool; and, for this, they who transport it shall bring a Warrant under the Hands of the Governours there.

SIR Rob. Crane faith, that the Clothiers and Merchants have here faid in the House, that of one Tod of our Wool, and two Tods of the Wool beyond Sea they there can make good Cloth: and therefore he would not have any Wool transported; for, though it be but coarse Wool, it will overthrow our Clothing.

SIR William Gray faith, that the Wool of Pindar, and other Places in the North is so coarse, it is unfit to make Cloth; and, if they of those Parts may not transport it beyond Sea, that Country will be undone. SIRT. Wentworth saith, that the Reason of the Liberties

granted

† This Bill is paffed our House at the Third Reading.

granted unto those Parts of the North for to transport Wools was the Coarseness of the Wool in those Parts: but he is credibly informed by the Neighbours to those Countries, that now, by the Breed of Sheep, their Wools there are much amended, and become as good and fine as most Wools of England; and he thinketh, that, the Reasons of such Liberties granted being thus taken away, we ought not to continue their Liberties.

MR. Mim faith, that, he being this Summer in the Low Countries, he there saw the Manufactures of those Parts, and saw there as great Abundance of our Country Wool and Fuller's Earth, as ever he saw here in this Kingdom; and that they there told him, they could not make Cloth, nor those Manufactures, without Fuller's Earth; and that they had all their Fuller's Earth from this Kingdom, and could not have any elsewhere, nearer than Silesia; from whence if they should fetch it, it would be so dear to them, as they were not able to make Cloth and sell it at any reasonable Rates:—That, when he was there, the Merchants of Leyden expected a Ship to come from hence laden with Fuller's Earth; and therefore he desireth, that the Bill may pass as it is.

SIR Edw. Giles saith, that all the Manufactures of this Kingdom are made, for the most Part, of the coarser Wools; and, that the Gain is greater on coarse Wools than on fine:—That those of the North may sell or employ their coarse Wools for Manufac-

tures.

It is by Question ordered, that the Proviso offered, for *Pindar* and other Places in the North to transport their coarse Wools, shall be rejected.

MR. Alford doubteth, that this Bill comes short of what we intend by it:—That some have this Summer practised in Esex to transport Wool in this Manner. There have some come to the Cliffs laden with Wool, and have tumbled the same from the Cliffs into the Sea; where then a Hollander or French-

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man cometh, and taketh the same Wool, and is not liable to this. Wherefore he thinketh, that this Bill doth not meet fully with such Men as carry the same Wools to the Cliffs; and would therefore have the Bill amended in this Point.

THE Master of the Rolls saith, that, by the Statute of 10 Eliz. it was made Felony to transport live Sheep out of this Realm; and, that fuch Felons as did offend against that Law (such Sheep being found on the Sea, as the Sheep must be before fuch as transport them are liable to that Law) are to be tried in the Admiralty Court; but not by the Authority and Jurisdiction of the Lord Admiral, but by Virtue of the Commission granted to the Commissioners of that Court: and so must those who offend against this Law be tried. But he faith, that, though those who transgress against this Law here (against Transportation of Wools, &c.) may be tried in the Admiralty Court, by the Commission of Oyer and Terminer, yet it is not here fet down or known where they shall be tried, who transport Wools, &c. out of Ireland; for they are not within any Parish of this Kingdom: and therefore he defireth, that the House will consider of some Remedy for the same.

It is ordered, that the further Debate of this Bill shall be adjourned till Tomorrow Morning.

## Saturday, December 1.

- "AN Act for the Confirmation of several De-"crees made in the Court of the Dutchy of Lan-"caster, for and concerning Lands and Tenements
- " in the faid Dutchy of Lancaster, and for Confir-
- " mation of the Estates of divers Tenements, and
- "the establishing of divers Copyholds in several "Manors within the Dutchy of Lancaster."

[This Bill is committed.

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"An Act for the freer Liberty of Fishing and Fishing Voyages, to be made and performed on the Sea Coast on the Parts of Newfoundland, Virginia, and New England, and other Places on the

" Coast of America."

MR. Guy offereth a Proviso, that those who are Inhabitants of Newfoundland shall have the Choice of one Place or Stage to dry Fish in, near the Place of their several real and actual Plantations or Houses.

MR. Neale saith, that the Company of the Plantation is composed of Merchants and Masters of Ships here in London; and that such Places for the drying of Fish do cost the poor Fishermen, who go thither, some Years 1000l.—That this Bill giveth a free Liberty, as well to those who are there resident, as Strangers; and they being there first may, if they please, take up the first and choicest Places, without the Molestation of any Fisherman. But this Proviso, offered by Mr. Guy, aimeth to have the choice Places and Stages for the Planters there, who keep not their Plantation on the Sea Coast there, but during the Season of Fishing.

MR. Secretary Calvert saith, that, unless the Planters may have Priority of Place and Stages, for the drying of their Fish, they will be discouraged to plant there; and he therefore wisheth, that we would admit of the Proviso, if we defire to have the Bill passed; for the King will not do any thing that

may any ways discourage the Planters.

MR. Guy faith, that the Scope of the Proviso is only to give Choice of the first Place and Stage, for drying of Fish, in such Places as the Planters there have made any real and actual Plantation, not of Booths, but of Houses and Mansion Places ‡.

A COMMITTEE of Forty-eight is appointed to go to the Conference with the Lords, for the Examination of the Bill against Informers, which, by

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<sup>†</sup> This Proviso, by Question, is rejected; and the Bill is passed the House, at the Third Reading.

Reason of the many Amendments in it (being more than could be interlined in the Bill) we caused to be reengrossed. Sir Edward Cooke is to make the Report of this Conference, and we are to carry to this Conference the Precedent of 27 Eliz. for the like.

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MR. Spencer desireth to know, whether Sir Edwin Sandys were committed for Parliamentary Business or no; for + he, who offered to give Satisfaction to the House herein, was a Party in the Commitment of Sir Edwin Sandys, and therefore cannot give full Satisfaction in this Point. He saith, it is against the ancient Liberties of this House, that we should be Parliament Men in the Morning and none in the Parliament Men to speak freely here in the House, and not in Westminster Hall. He desireth that we will send a Messenger to Sir Ed. Sandys, requiring him, as he is a Gentleman, to send us Word truly, whether he were confined for Parliament Business or no.

MR. Mallary faith, that a Parliament Man ought not to be confined for other than Felony, Murder or Treason. He would have Sir Edwin Sandys sent for

by some Members of this House.

Mr. Chancellor of the Dutchy faith, it is an eafier Matter to raise an Instammation, by the specious Title of Privileges, than to allay it again:—That the Apprehensions of the King, concerning the Commitment of Sir Ed. Sandys, were great; and Kings' Hearts are inscrutable:—That, since Sir Ed. Sandys was innocent of what he was examined for, he desireth, we will not any farther stir in the Cause of his Commitment; it having been only for some Apprehensions in his Majesty.

SIR Rob. Phillips saith, that, if we have any Privileges in the House, we have them also out of the House, during the Parliament. He desireth that we will send for Sir Ed. Sandys presently, to come up, if he be able, by any Means; and, when he S f 2 cometh

cometh up, that then we should demand of him a Relation of the true Cause of his Commitment.

It is ordered, that Sir Ed. Sandys shall be pre-

fently fent for to come up.

SIR H. Withrington desireth, that, if Sir Ed. Sandys be not able to come hither, [that] then he make, by Writing, a true Declaration of the Cause of his

Commitment this last Summer.

SIR Samuel Sandes faith, if Silence, when Occafion is given to speak, were not as great a Fault as too much Loquacity, he would not have broke his Resolution not to speak; but he thinketh himself tied to speak in this Business:-That, when Jealousies are risen from Princes of Subjects, it is fit that there be a due Examination made by the King. He would not have us feek to bar the King of fuch Privileges, for it was fit his Brother Sir Ed. Sandys should be confined till he were examined, that he might speak only his own Thoughts. He faith, he received lately a Letter from his Brother Sir Edwin Sandys, excusing his Absence, that, though his Mind and Defires carried him hither, yet his Body was not able to convey itself hither. He defireth, we will defift to question any more herein till his Brother himself come up, which he will do as foon as he hath Strength.

SIR Guy Palmes would have Sir Edw. Sandys fent for, to come up; and, if he be not able, that then he fend to us the true Cause of his Commitment.

It is ordered, that Sir Ed. Sandys shall be prefently sent for, to come and attend the Service of this House; and, if he be not able to come up, that then he set down in a Declaration, whether he were examined or committed for Parliament Business or no. And Sir Peter Heyman and Mr. Mallary are appointed, by the House, to go to Sir Ed. Sandys with this Message, on Monday next.

SIR Rob. Phillips faith, that Mr. Hudson told the Committee, that the Warrant brought him by Lep-

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ton was from the now Lord Keeper, commanding him to draw the Bill against Sir Edward Cooke, and to proceed therein with such Reservedness and Care, as was sitting for the King's Service:—That Lepton only shewed that Warrant to him, and so carried it away with him again.

The Petition of Calif Morley, Parson of Talnage, in the County of Dorset, against Mr. Justice Hutton, charging him with Injustice, in allowing one Allen Bishop, a Parson convicted of Simony, to be a Witness in his own Cause; and that Mr. Justice Hutton, on the bare Allegation of Sir Law. Hide, and contrary to Depositions in Court, did missed the Jury; and that this Judge gave his Opinion against Law and the King: for which the Petitioner prayeth Remedy against Mr. Justice Hutton.

This Business is referred to the Examination of a select Committee; and Morley, the Petitioner, is committed to the Custody of the Serjeant of our House of Parliament, to be forthcoming, to approve the Contents of his Petition, or otherwise to stand to the Judgment of that House.

SIR Edward Cooke moveth, that the Speaker may be here at Three of the Clock this Afternoon, that the Business of our Petition to the King, concerning Religion and a Sessions, may this Afternoon receive some Conclusion, it being a Business of some Haste.

Which accordingly is so ordered.

Saturday, December 1. COMMITTEE.

THE Petition of this House to the King, directed,

To the King's Most Excellent Majesty.

Most gracious and dread Sovereign,

E, your Majesty's most humble and loyal Subjects, the Knights, Citizens, and Bur(256) gesses, now assembled in Parliament, who represent S f 3 the

the Commons of your Realm, full of hearty Sorrow to be deprived of the Comfort of your Royal Presence, and the rather, for that it proceeds from the Want of your Health, wherein we all unfeignedly do fuffer; in all humble Manner calling to Mind your gracious Answer to our former Petition concerning Religion, which (notwithstanding your Majesty's prous and princely Intentions) hath not produced that good Effect, which the Danger of these Times do seem to us to require; and finding, how ill your Majesty's Goodness hath been requited by Princes of different Religion, who (even in Time of Treaty) have taken Opportunities to advance their own Ends, tending to the Subversion of Religion, and Disadvantage of your Affairs, and the Estate of your Children; by Reason whereof your ill affected Subjects at home, the Popish Recusants, have taken too much Encouragement, and are dangerously increased in their Number and in their Infolencies; whereof we cannot choose but be sensible, and therefore humbly represent what we conceive to be the Causes of so great and growing Mischiefs, and what may be the Remedies.

CAUSES.

1. THE Vigilancy and Ambition of the Pope of Rome and his dearest Son \*; the one aiming at as large Temporal Monarchy, as the other at a Spiritual Supremacy.

2. The devilish Positions and Doctrines whereon Popery is built and taught with Authority to their Followers, for the Advancement of their Temporal

Ends.

3. THE distressed and miserable Estate of the

Profesiors of our Religion in foreign Parts.

4. THE disaftrous Accidents to your Majesty's Children abroad, expressed with Rejoicing, and even with Contempt to their Persons.

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<sup>\*</sup> The King of Spain.

5. THE strong Confederacy of the Princes of the Popish Religion, aiming mainly at the advancing of their's and subverting of our's, and taking the Advantages couducing to that End upon all Occasions.

6. The great and many Armies raised and maintained at the Charge of the King of Spain, the chief

of that League.

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7. THE Expectation of the Popish Recusants of the Match with Spain, and feeding themselves with great Hopes of the Consequences thereof.

8. The interpoling of foreign Princes and their Agent, on the Behalf of Papilts, for Favour and

Connivance unto them.

9. THEIR open and usual Resort to the Houses, and, which is worse, to the Chapels of foreign Ambassadors.

10. THEIR more than usual Concourse to this City, and their frequent Conventicles and Confe-

rences there.

II. THE Education of their Children in many Seminaries and Houses of their Religion in foreign Parts, appropriated only to the English Fugitives.

by your Majesty as a Reward of Service to the Grantees, but (beyond your Majesty's Intention) transferred or compounded for at such mean Rates, as will amount to little less than a Toleration.

13. THE licentious printing and dispersing of Popish and seditious Books, even in Time of Parlia-

ment.

14. The Swarm of Priests and Jesuits (common Incendiaries of all Christendom) dispersed in all Parts of your Kingdom.

The EFFECTS.

And from these Causes, at bitter Roots, we humbly offer to your Majesty, that we foresee and sear there will necessarily follow very dangerous and bitter Effects

Effects and Consequences in Church and Commonwealth. For

1. The Popish Religion is incompatible with our's, in Respect of their Positions.

2. IT draweth with it an unavoidable Dependancy

on foreign Princes.

3. It openeth too wide a Gap for Popularity, for

any who shall draw so great a Party.

4. It hath a reftless Spirit, and will strive by these Gradations: That, if it once get a Connivancy, it will press for a Toleration: if that should be obtained, they must have an Equality: from thence they will aspire to a Superiority; and will never rest, till they have procured an utter Subversion of the true Religion.

THE Remedies against these growing Evils, which, in all Humbleness, we offer to your most

excellent Majesty, are these:

The REMEDIES.

1. That, seeing this inevitable Necessity is fallen upon your Majesty, which no Wisdom or Providence of a pious and peaceable Prince could avoid, your Majesty will not omit this just Occasion speedily and effectually to take your Sword into your Hand.

2. That, it being once undertaken upon so honourable and just Grounds, your Majesty would resolve to pursue the aiding of those of our Religion in foreign Parts; which, doubtless, will feunite the Princes and States of the Union, by these Disasters

and Mishaps disheartened and dishanded.

3. THAT your Majesty would propose to your-felt to manage this War, with the best Advantage, by a Diversion or otherwise, as in your deep Wisdom shall be found fittest; and not to rest upon a War in those Parts only, which will consume your Treasure, and discourage the Hearts of your Subjects.

4. That the Bent of your War, and Point of (257) your Sword, may be against that Prince, (what Opinion

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5. That, for the securing of our Peace at home, your Majesty will be pleased to review the Parts of our humble Petition, formerly delivered unto your Majesty, and hereunto annexed; and to put in Execution, by the Care of choice Commissioners to be thereunto appointed, the Laws already, and to be hereafter made for preventing of Dangers by Popish Recusants and their wonted Evasions.

6. That, to frustrate their Hopes, and secure succeeding Ages, our noble Prince may be timely and happily married to one of our own Religion.

7. THAT the Children of the Nobility and Gentry of this Kingdom, and of others ill affected and suspected in their Religion, now beyond the Seas, may be forthwith called home, by the Means, and at the Charge of their Parents or Governors.

8. THAT the Children of Popish Recusants, and of such whose Wives are Papists, be brought up, during their Minority, with Protestant Schoolmasters and Teachers, who may sow, in their tender Years, the Seeds of true Religion.

9. That your Majesty will be pleased to revoke all former Licenses for such Children and Youth to travel beyond the Seas, and that you will be pleased to hold your Hand from granting any such License hereafter.

10. That your Majesty's learned Council may receive Commandment from your Highness, carefully to look into all former Grants of Recusants' Lands, and to avoid them, if by Law they can; and that your Majesty will stay your Hand from passing any such Grant hereafter.

This is the Sum and Effect of our humble Declaration, which (no Ways intending to press on your Majesty's most undoubted and regal Prerogative) we do, with the Fulness of all Duty and Obedience, humbly submit to your princely Consideration.

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THE Glory of God, whose Cause it is; the Zeal of our true Religion, in which we have been born, and wherein, by God's Grace, we are resolved to die; the Safety of your Majesty's Person, which is the Life of your People; the Happiness of your Children and Posterity; the Honour and Good of your Church and State, dearer unto us than our own Lives, having kindled these Affections in us truly devoted to your Majesty; and seeing, out of our Duty to your Majesty, we have resolved to give, at the End of this Session, one entire Subsidy, for the present Relief of the Palatinate only, to be paid in the End of February next, which cannot well be effested but by passing a Bill in Parliamentary Course before the Feast of Christmas: we most humbly befeech your Majesty (as our assured Hope is) that you will then also vouchsafe to give Life by your royal Affent to fuch Bills, as before that Time shall be prepared for your Majesty's Honour, and the general Good of your People; and that fuch Bills may be also accompanied (as hath been accustomed) with your Majesty's gracious Pardon, which, proceeding from your Majesty's mere Grace, we humbly befeech may, by your Highness's Direction, be drawn to that Latitude and Extent as may best suit with your Majesty's Bounty and Goodness; and that not only Felons and Criminal Offenders may take the Benefit thereof, but that your good Subjects may receive Benefit thereby; and, if it shall so stand with your good Pleafure, that it may extend to the Relief of all old Debts and Duties to the Crown, due before the first Year of your Majesty's Reign; and also to the Discharge of Alienations without License, concealed Wardships, and not suing of Liveries and Ouster le Maynes, before the Twelfth Year of your Majesty's Reign; which gracious Favour would much comfort your good Subjects, and ease them from Vexations, with little Loss or Prejudice to your own Profit. AND

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AND we, by our daily, hearty and devout Prayers to the Almighty, the great King of Kings, shall contend for a Bleffing upon our Endeavours, and for your Majesty's long and happy Reign over us, and for your Children's Children after you, for many and many Generations.

THE Petition annexed to this Petition.

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(258) Mr. Chancellor of the Dutchy faith, that, fince the Business of this Petition is of so high and transcendent a Nature, as he never knew the like within the Compass of these Walls; he desireth, that the Resolution of this House may be suspended till Monday next, against which Time he would referve a good Conscience, and speak then further of this Bufiness.

MR. Hackwell faith, that Edward 3. granted a most large Pardon, because it was the Fiftieth Year of his Reign, and therefore he made a Year of Jubilee by granting of fuch a large Pardon; and he would have this Argument used in the Petition, to induce the King to do the like (it being the Fiftieth Year of his Reign) to enlarge the Pardon.

IT is resolved by this Committee, that this Petition, thus drawn, shall be preferred to the King;

but first to be offered to the House.

## Monday, December 3.

" An Act to enable Richard Wife, Gentleman, to L. 1. " make Sale of Lands for the Payment of his Debts, " and the Preferment of his Wife and younger Chil-" dren."

" An Act for the Repair and maintaining of the " decayed Haven of Dunwich, and the ancient Chan- L. 2. " nel running towards that Town by Sould and Wal-" dersweeke, in the County of Suffolk." Rejected. THE

<sup>\*</sup> The Petition is not here inserted, but fol. 258 is left Blank.

The Petition of Rob. Napper, Gentleman, shewing, that at the Importunity of the Nieces of Mr. Brereton (a Member of this House) he did cause the said Mr. Brereton to be served with a Subpœna out of the Chancery, not knowing that the said Mr. Brereton was a Member of this House; and desireth, that, because a Subpœna is not a Writ that detaineth the Person of any Man, and for that Mr. Brereton hath put in his Answer, [that] the House will be pleased not to hold this Petitioner guilty of any Offence, thereby given, against the Privileges of this House.

SIR Rob. Phillips saith, that 27 Eliz. one Mr. Cooke, being served with a Subpæna, was discharged by Order of this House, and the Party punished that served him with the Subpæna, for that the said.

Mr. Cooke was a Member of this House.

MR. Brereton faith, that, as the Petitioner faith in his Petition, he and the Petitioner and others had feveral Meetings about the Difference of the faid Suit, and he told Napper often that he could not stay, because he was going to the Parliament; and that Mr. Napper, enquiring for him at his Lodging, was often told, that he was at the Parliament.

SIR Sam. Sandes faith, that Cognifance in a Juror is enough to lead a Jury to find him guilty. And, fince Mr. Brereton, a Member of this House, affirmeth here, that Napper knew him to be a Parliament Man, he would not that we should confront a Member of this House his Affirmative with a Delinquent's Denial; for that were to question the Credit of our own Members.

SIR Rob. Phillips faith, that, in the third Seffions of the first Parliament of the King, Sir Edm. Morgan, a Member here, being served with a Subpæna, the Delinquent was censured to be Prisoner in the Serjeant's Custody Three Days, and then to pay Costs and all due Fees to the Serjeant and the

Clerk.

Mr. to the Brere jeant

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It is ordered and adjudged, by Question, that Mr. Rob. Napper shall, for his Fault, be committed to the Serjeant for Three Days, pay Costs to Mr. Brereton, and also all Fees due to the Clerk and Ser-

jeant of this House.

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SIR Ed. Cooke maketh a Report from the Conference with the Lords, touching the Bill against Informers, which Meeting was principally to examine that reengroffed Bill. He faith, that he told their Lordships, that one Reason, why we caused that Bill to be reengrossed, was, because the Amendments of that Bill were fo many as could not be interlined. A second Reason was, for that, the Bills of Parliament being the highest Records of all, we thought it fit, for Decency, to have it reengrossed: and that we did it also according to the Precedent of 27 Eliz. for the Bill of the Sabbath. He faith, that the Lords approve well of it, having examined the laid reengroffed Bill. He also reporteth, that the Committee of this House hath met, and agreed on a Petition to be delivered to the King for the Matter of Religion and for a Sessions; and so repeateth the Effect of the Petition before written.

SIR Edward Sackville would not have the Point of this Petition, concerning the Marriage of our Prince with no Catholick Princes, &c. mentioned in the faid Petition; for it is the Privilege of Princes to marry where they list: and, since we are so careful of our own Privileges, he would not have us seek to limit our Prince. He would not have this House do as Phaeton did, take in Hand the Rule of a Chariot which appertains not to us; lest it cause as great a Confusion here, as the other is said an

Inflammation of the whole World.

SIR James Parrett saith, that there are Three Things which make us to mention that Part of the Petition, concerning the Prince's marrying with one of our own Religion. 1. Former Precedents: 2. Imminent Peril: 3. His Majesty's Promise. The

Precedents are many: The Peril and Inconveniences we fee daily in private Families, where Man and Wife are of contrary Religions. He allegeth a lamentable Falling out of one Mr. Acton and his Wife, after they had lived Six Years together, they being of different Religions:—That his Majesty promised us, he would not match his Son but for the

Glory of God, his Church and the Realm.

SIR Rich. Weston, Chancellor of the Exchequer, defireth to know, whether ever from this House there began Treaties of War, Marriage and Religion, that did fucceed well, or were pleafing to the Kings. He defireth therefore, that we may, in these Things, be strengthened with good Precedents; left we, instead of a Remedy, provoke his Majesty's Displeasure, by dealing with Things of so high a Nature, without some Warrant first received

from his Majesty.

MR. Wentworth faith, that, for the Question, whether the Thing that we meddle with be not altum sapere; he saith, that in this Business we meddle not, but with what is for the Glory of God, and the King's Honour; and God himself doth allow us to petition to him for any thing that may be for his Glory and Church: - That in 35 H. 8. there was here a Treaty of War against the Turk. The King is our Head, and it concerneth the Body Politic, as well as the Natural, to defend its Head. In 25 Ed. 3. and 33 Hen. 8. there is a special Caution of the Prince's Wife or Marriage; because from their Body Children are to come who are to rule the Realm. He would have the Petition qualified: he would not have us press the King to let us know, what he intended to do concerning these Things. We mention them in our Petition, but only to express therein the Causes of our Fears, and the Remedies; leaving it to his princely Confideration, without defiring to know his Purpose therein.

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he k may p it con within Petiti SIR George Moore faith, it belongeth to us as Parliament Men to put the King in Mind, what are the Causes, as we conceive, that do or may increase the Danger of our Religion; and, amongst other Things, to say, that the Hope of the Match causeth the Insolencies of the Papists, to the Danger and Hazard of our Religion: and so likewise for War, but to tell our Opinions, and leave all to the King's Wisdom and Consideration.

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SIR Rob. Phillips faith, that, this our Course being strengthened with Reason and confirmed with his Majesty's Invitation, he thinketh, that we need not to doubt of his Majesty's gracious Acceptance. He faith, that the King invited us, by a Speech at Whiteball, to speak freely of the Grievances of the Kingdom: - That there was never a Question of a Prince of England to marry with one of a contrary Religion; and therefore he doubteth not, but we may create a Precedent of it, if we have not any:-That the Match with Spain, with Philip 2. and Queen Mary, was debated in Parliament, and she said, she would defift in it, if the Match were not found convenient in Parliament; and, if the had not blemithed her Reign with Stains in other Things, there had remained a better Memory of her than now there doth. He would have the Petition go on, without defiring an Answer from his Majesty, but leave it wholly to his princely Confideration.

SIR Henry Vane defireth, that we should seek for Precedents, whether that the Marriages of Princes have used to be treated of here, before it be sent hither by the King, lest we grasp more than we can hold fast.

Mr. Heneage Finch, Recorder of London, saith, he knoweth nothing in the Petition, but that we may petition of to the King; though, he confesseth, it containeth the greatest Matters, that ever came within these Walls. But we proceed humbly by Petition, on the Consideration of the King's Speeches,

that

that he will never marry the Prince but so as shall be for the Advancement of this Church and Realm:

—That, if the King should break off the Match, on the Petition of this whole Kingdom, it will fatisfy all the World of a good Reason so to do. And, since we have proceeded in this Petition so far, he thinketh it were a deserting of our Religion, as if we were careless, having taken it in hand, whether the Prince did marry with one of our Religion or no:—That he thinketh, there is nothing in the Petition, but what may, with Humbleness, very well

be presented to his Majesty.

MR. Brooke saith, that we prescribe, by our Petition, nothing to the King; but, for such and such Reasons, humbly desire, that he will be pleased to think of some Match for the Prince, with one of our Religion. To make War or Peace belongeth only to the Prerogative of the King; but we are invited to it by the Speech we had delivered us by the Command of the King, whereby we were told, that there was no Hope of Peace. On which Proposition and Invitation, we humbly beseech, by Petition, the King to consider of the best Course for a War: and therefore, since these Things originally proceed, not from us, but the King, he would have us proceed in it.

MR. Tho. Crewe faith, it is a Wonder to fee the fpiritual Madness of such, as will fall in Love with (261) the Romish Harlot, now she is grown so old a Hag. There is a Statute H. 8. that, if a Priest did lie with his own Wife, it was Felony; but, if he committed Adultery with another, it was not held as any great Offence. It is an inherent Prerogative of the King to make Peace, War, call Parliaments, &c. and to match his Son, as well as any private Father; but therein the Subject hath an Interest. It is one Thing to assume Authority for Interest, and another humbly to shew, by Petition, what may be prejudicial to the King and State:—That in the Time of Rich.

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Rich. 3. an ill King, there were made the best Laws for the Good of the Subject:—That, in Queen Elizabeth's Time, the Treaty of her Marriage was here in this House, and the Petition of this House to her concerning it was by her lovingly accepted; because it did beseech her to marry without Limitation; and so do we petition to the King for the Prince, without limiting either Time or Person. In 8 Eliz. a [Speech to] Parliament in Print, wherein that Queen doth express to the Parliament her Intent to marry in a convenient Time. And we conclude nothing in our Petition, but leave all to the King's Pleasure. He would have it put to the Question, for the Allowance of this Petition or no.

SIR Edward Cooke faith, Melius est recurrere, quam male currere. It is true, that the Father, even amongst private Men, should have Power to marry his Children. The indisputable Prerogatives of the King are, to make Peace, War, and Marriages for his Children: but this is a Petition of Remembrance or Grace, without defiring an Answer:-That we have heard from the Lords, that Peace is denied the King, and that the Voice of Bellona, not the Turtle, must be heard; and that the King must either abandon his Children or engage himself in a War, and that on a standing War. And this is a Ground (coming from the King) to invite us to as much as is contained in the Petition. For the Marriage of the Prince, that we, by this Petition, do endeavour to second our former Petition against Recusants, and set down in this Petition, that the Hope of this Match doth make the Papists infolent, and do humbly, by Petition, without Expectation of an Answer, by Way of Remedy, befeech his Majesty, for the cutting off of their Hopes, to marry the Prince to one of his own Religion, and this without any farther Limitation: and this may ferve as an Answer, when his Majesty shall be again sollicited for the Match. That Edw. 3. did confer VOL. II.

with the Commons, for his Marriage; but this Conference moved from the King himself:-That 42 Ed. 3. the King having a War with a foreign Prince. and growing weary with bearing his Armour, did treat for a Peace, and he acquainted the Commons with the Treaty: and the Commons, by Petition, did befeech him, that he would take his Sword in his Hand; for a just War was better than a dishonourable Peace. He sheweth a Record of 4 H. 5. entitled, The Safety of the Lords and the Commons, where it is fet down, That it shall hold for ever, that it shall be lawful for the Commons themselves to talk of the Safety of the Kingdom, and the Grievances and Remedies thereof:-That the Writ of Summons sheweth, that we are called hither for the Defence and State of the King and Kingdom, and the Religion. He thinketh the Petition to be good, and liketh it in omnibus.

MR. Nove faith, that, by the Debate of this Bufiness, he is grown to some Resolution, and yet he hath some Doubt. He saith, that the Growth and Infolency of the Papifts doth lie within our Cognifances, and we may treat of it. He liketh the Form and Manner of the Petition. His Doubt is, and he defireth to be resolved, whether, if we petition for War against the King of Spain, we do not break the League with the Spaniard. He doth not conceive, that it is more lawful for us, by the Law of Nations, to invade any of the Spaniard's Territories, because he hath aided the Emperor; than for the Spaniard, during our Truce or League, to invade any of our Territories, because our King hath aided the Palatinate against the Emperor. And he desireth herein first to be cleared of this Doubt.

MR. Sollicitor saith, he will not enter into Dispute of so high a Point, as the Doubt propounded by Mr. Noye: only thus much he saith to it, that we do, in the Petition, but deliver our Opinion, and refer all to the King's Judgment. He wisheth, that this

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this Doubt, being of so high a Nature, may receive no Debate here; but that we should give up our Petition as it is, referring all such like Considerations to the King's Wisdom. And he saith, if we are commanded by God to petition to him for such Things as we desire, he thinketh, we may boldly petition to the King, his Lieutenant. He would have to be inserted into the Petition expressly in Words (to avoid all Misinterpretations) that we do not seek to prejudice or blemish, in the least Point, his Majesty's Royal Prerogative.

THE Speaker faith, that this is not a Petition as concerning the Matter of Religion and the Recufants, but only a mere Remonstrance, and that it is

a Petition for the Sessions only.

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SIR Tho. Wentworth would have the Petition go

by itself, and the Remonstrance by itself.

SIR Rob. Phillips faith, that, as it now is, the Re[262] monstrance and the Petition are something involved
one in the other; and therefore he would have a
Committee to take it presently into the Committee
Chamber, to make them more distinct; and would
have, at the End of it, two or three Words added,
that we seek not to touch, in the least Point, on
the Royal Prerogative.

MR. Glanvile would not have added, to the End of the Petition, any Clause, that we do not, by this Petition, seek to prejudice the Royal Prerogative; left we thereby lose something of our own Privileges, to treat in this Manner of Businesses of this Nature.

SIR Dud. Digs desireth, that Mr. Glanvile's Motion, for the Privileges of this House, may not hinder the Course and Inclination of this House, to insert, in the End of the Petition, this Clause, That we seek not to make, hereby, any Breach of the Privileges of the Royal Prerogative.

A COMMITTEE is accordingly gone into the Committee Chamber, to infert those Words, to avoid all

Scruples and Misinterpretations.

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THE Committee hath inserted to the Petition: "This is the Sum and Effect of our humble De-

" claration, which (no Way intending to press on your Majesty's most undoubted and Royal Prero-

" gative) we do, with the Fulness of all Duty and "Obedience, humbly submit to your princely Con-

" fideration."

IT is by Question ordered, that the Remonstrance and Petition aforesaid, with this Addition, and the Petition annexed, shall be thus presented to the King.

And there are, by Order of the House, to go with this Petition to Newmarket Mr. Jo. Murray of the Bedchamber, Sir George Goring, Sir Richard Weston, Chancellor of the Exchequer, Lord St. John, Lord Clifford, Sir Hen. Milmay, Sir Miles Fleetwood, Sir Francis Vane, Sir Humphry May, Chancellor of the Dutchy, Sir Thomas Howard, Sir George Chaworth, Sir Jo. Brooke, Lord Compton, Sir Jo. Hayward, &c.

It is also ordered, that the said Committee appointed shall go Tomorrow, and attend Access, and then deliver this Petition or Remonstrance from the Knights, Citizens, and Burgesses of the House of Commons; and desire the King, that it and the Petition annexed may be read; but the said Committee hath no Liberty to say any thing more. And Mr. Chancellor of the Exchequer is to report to the House, what Answer it shall please the King to give to it, or any Part of it.

Tuesday, December 4.

"An Act against the Exportation of Wools,

to recet in this blander of Hallingics or

tion, for the

Woolfel, Fuller's Earth or Clay."

THERE is a Proviso, that this shall not extend to Lamb Skins, fit only for Furs, nor for Wool on live Sheep, exported only for Provision. Nine Hundred Tod of Wool may be transported into Jersey, Guernsey, Sarke. Proviso also for Fell for the Shipping.

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Mr. Secretary saith, that, at this Instant, he received a Letter from the King, wherein was enclosed one to the Speaker; which he thought good now to deliver, without deferring it any longer. Dated 3 Dec. The Contents whereof are as followeth.

THE Direction is, To Our Trufty and Wellbeloved the Speaker of Our Commons' House of Parliament.

Master Speaker,

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W E have heard, by divers Reports, to Our great Grief, that the far Distance of our Perfon, at this Time, from our High Court of Parliament, caused by our Want of Health, hath emboldened some siery and popular Spirits in Our House of Commons, to debate and argue publickly in Matters far beyond their Reach or Capacity; and so tending to Our high Dishonour, and to the

trenching upon Our Prerogative Royal.

You shall therefore acquaint that House with Our Pleasure, that none therein shall presume to meddle with any thing concerning our Government or Myfteries of State, namely, not to speak of our dearest Son's Match with the Daughter of Spain, nor to touch the Honour of that King, or any other Our Friends or Confederates: and also not to meddle with any Men's Particulars, which have their due Motion in any of Our ordinary Courts of Justice. And, whereas we hear, that they have fent a Message to Sir Edwin Sandys, to know the Reason of his late Restraint, you shall in Our Name resolve them, that it was not for any Misdemeanour of his in Parliament. But, to put them out of Doubt of any Question of that Nature, that may arise among them hereafter, you shall resolve them, in Our Name, that we think Ourself very free and able to punish any Man's Misdemeanours in Parliament, as well during their Sitting, as after; which we mean not to spare hereafter, upon any Occasion of any Man's infolent Behaviour there, that shall be ministred un-

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to us. And, if they have already touched any of (263) these Points, which we have forbidden, in any Petition of their's, which is to be fent unto us, it is our Pleasure, that you shall tell them, that, except they reform it, before it comes to our Hands, we will not deign the hearing or answering of it. And, whereas We hear that they are defirous, that We -should make this a Session of Parliament before Christmas, you may tell them, it shall be in their Default, if they want it: for, if they will make ready between this and that Time some such Laws as shall be really good for the Commonwealth, We will very willingly give Our Royal Affent unto them. And so it shall thereby appear, that, if good Laws be not made, at this Time, for the Weal of the People, the Blame shall only, and most justly lie upon fuch turbulent Spirits, as shall prefer their particular Ends to the Weal of this Kingdom and Commonwealth. And so We bid you farewell. Given at our Court at Newmarket, the Third Day of December 1621.

SIR Robert Phillips faith, that this House hath had Propositions and Debate of great Matters, but none of so great Consequence as this, occasioned by this his Majesty's Letter. He wishest the King knew our Hearts; for the Duty of all, or the best Part of his Majesty's Subjects, is now in Question, He moveth, that we should send to stay the Messengers appointed to go with the Petition to the King; and that now we would rife, and consider, till Tomorrow, what to do in this great Business, so nearly concerning us and our Privileges.

It is ordered, that a Post, by Mr. Secretary's Means, shall be presently fent after the Messengers

to flay them.

Mr. Sollicitor faith, he doubteth not, but, if we proceed by Petition, in an humble Manner, to the King, that his Majesty will hear us graciously:

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illy: That -That he believeth, it is the Labour of our Adversaries to make a Breach and Misunderstanding between the King and us; and therefore prayeth, that, for God's Cause, and as we tender our Duties to the King and Commonwealth, we will not rile prefently on a Discontent, which will but rejoice our Adverlaries.

MR. Alford faith, that he hath ever respected the King as the Head, and the Commonwealth as the Body:—That in Queen Elizabeth's Time, in the Matter of the Union, the Parliament did rife and consider of it, before any Man would debate thereof, it being a Matter of a high Nature and Confequence. And so he would have us do in this Business; rise now, and consider of it till Tomorrow, that we may be the better able then to speak and debate of it. He desireth also, that the King's Letter may be here now read again; and that every one that will may have a Copy of it, the better to confider till Tomorrow what to fay to it.

SIR William Stroude faith, he thinketh that, our Thoughts being now disturbed by this Message from his Majesty, we are not fit or able to debate of any thing, till we have confidered of it and digested it; and therefore would have us now rife, and not so suddenly debate of this Business, it being of the greatest Consequence for our Privileges, that ever came hither.

SIR Dud. Digs would have us go forward with that Constancy, which hitherto we have always proceeded withal, in that great Business of the Petition. He would that we should now rise, but not as in Discontent, but rather refort to our Prayers, and then to consider of this great Bulinels.

## Wednesday, December 5.

MR. Delbridge (after a long Silence in the House) rose up and said, that the Trade in the West Country

was much decayed heretofore by the great Number of Impositions; and now, of late, they are almost all undone by Pirates. But now he would have us lay aside all Respects of Trade, considering the miserable State of Religion, the lamentable Estate of the King's Children, whom every Man loveth for the Stock's Sake, from whence they come. As for the Privileges of this House, touching the Petition we prepared for the King, he had as willingly hang under the Gallows, as fry over a Faggot. And therefore, the State of our Religion standing as it doth, he would have us go to the King again and again with our Petition, as we do to God, and no Doubt but his Majesty will hear us at length.

SIR Robert Phillips faith, that now is the Time to (264) justify the Affection of the People to the King, and to defend the Privileges of this House, which our Ancestors have delivered us, and which we ought to preserve for our Posterity:-That his Ground and Anchor-hold is, the King's Word for our Liberty of Speech, delivered here in Writing by Mr. Secretary: —That his Life and Fortunes shall ever be at the King's Feet and Command; but, fince we have broken our Privileges in yielding our Obedience to his Majesty's Pleasure, in many Businesses here handled, because his Majesty interposed (as in that of Ireland) and only out of a tender Respect not to distaste his Majesty; he saith, he knoweth not what hath caused this Soul-killing Letter from the King: he calleth it so in Respect of the earnest Desire of our Souls in that Petition. He faith, that the Ground of our Petition was from the Lords' Speeches to us, saying, that the Gates of Janus (having been long shut) must now be opened, and War must be. Hereupon we prefently took into our Confideration the Causes, the Dangers, and the Remedies of our present Estate; and, if we have touched on any Prince, further than the King would have us, he thinketh, the Fulness of our Humility and Loyalty should

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should cover Abundance of Faults. He would, first, have us now endeavour to stand upright in his Majesty's Favour and Grace: Secondly, he would have us justify, with Humility, our Proceedings here: Thirdly, defend the Privileges, which were never so much struck at as now. And he desireth, that there may be a Committee appointed to consider, what, on the like Message from sormer Kings, the the House hath done: and to consider, what we may do to set us right in the King's Favour, and to proceed without Breach of our Privileges and Liberties, without which Desence we are unworthy of our Lives, and to look those in the Face who sent us hither.

SIR Tho. Wentworth would have the Speaker go out of the Chair, that we might debate this Business at a Committee.

SIR Francis Seymour faith, if we do now, out of Fear, forego our Privileges, we are unworthy of our Liberties:—That we could not expect better, when as, by the Malice of the Members of our own House, the King is misinformed; for we have been here threatened, by our own Members, to be complained of, for speaking of our Consciences freely. He liketh that we should fit as a Committee of the whole Houle, for the Debate of this Bulinels; but, because we may know who it is amongst us, that hath misinformed the King, he would, that every Member of this House should make here a Protestation, that he is clear from using any underhand Dealing between this House and the King:—That we should petition the King, either to hear our Petition, or else to give us Leave to go home, or sit here and fay nothing.

A Message from the Lords, who fend us Two Bills, which, being formerly fent from us, are paffed by their Lordships: 1. The Bill against Transportation of Ordnance: 2. An Act for the Confirmation and Continuance of Hospitals and Schools.

SIR George Moore faith, that we now stand between the Indignation of our King, and the Privileges of our House, which are the Spirit of the Blood of the Liberties of the Commonweal. Whereas the King is misinformed, that we have meddled with Things above our Reach and Capacity, we have not done otherwise than the Samaritan Woman, who, out of her Faith, did but touch the Hem of Christ's Garment; for which Christ did not blame her, but said, that her Faith had saved her. And he hopeth, when the King shall be rightly informed, he will, feeing our Humility, Love, and Care of his Honour, encourage us to proceed. He would have us make another Petition to be annexed to that which we had prepared, and present them both to his Majesty; and, for the preparing of this,

that we should appoint a Committee.

MR. Hackwell faith, if good Kingdoms were mortal, as are good Kings, it might be thought a Vanity to stand so curiously in the Defence of our Privileges. He hath known Three the like Storms in this House: The first in 5 Eliz. when this House did press her to know her Successor, which she would by no Means declare or have spoken of; yet, on a Petition from this House, her Majesty did give us Leave to treat of it: 2. That in the same Parliament there was a Petition prepared as now, to befeech her to marry; and, though she was much offended at it, yet, by our Temperance in that Petition, and, on a fecond Petition, she did give us Leave to treat and debate of her Marriage here: 3. That the King heretofore, though at first he sent (165) a sharp Message to this House, when it did begin to debate of Impositions, yet, on better Information, he did give us Leave to debate thereof. He would have us fend a preparative Petition to the King, shewing, that we did not intend, by the former Petition, which we had prepared, to touch on his Royal Prerogative; and that, when we have

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thus made our Way to his Majesty, we may deliver our former Petition, together with such a one as we shall make to prepare his Majesty to receive it.

It is ordered, by Question, that any Member of this House shall have Copies of our Petition, which was Yesterday to have been sent to the King, and also Copies of the King's Letter sent to us Yester-

day concerning the same.

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MR. Alford faith, that we are now by the King's Letter restrained of our Liberty of Speech. He would have us now, in this Extremity, to proceed as we have done in former Parliaments in the like Cases; and to that End view, at a Committee, all our Proceedings in the Business of our Petition; and endeavour thereby to satisfy his Majesty, that we have done nothing tending to the Breach of his Prerogative, as his Majesty hath been informed.

It is ordered, that the Speaker shall go out of the Chair, that we may debate as at a Committee.

THE Speaker being out of the Chair, a great Debate grew, who should sit in the Chair, at the Committee; and some having excused themselves, Mr. Noye being called upon by the whole House to take the Chair, did diversly excuse himself, pleading Insufficiency; and, when no Excuse would prevail, he said, he wondered what Penance he had deserved, that the House should impose that Office on him; and so fat down, refusing to obey the Vote of the Committee. Whereupon

SIR Thomas Wentworth moved, that, fince Mr. Noye did refuse to come into the Chair, [that] the Speaker might again take the Chair, and that the House might then make an Order, That Mr. Noye should come into the Chair at the Committee, or

else answer his Refusal at the Bar.

Upon which Motion, Mr. Noye, unwilling, as it feems, to have any fuch Order made by the House, came into the Chair.

MR.

MR. Noye being in the Chair at a Committee of the whole House:

SIR Edward Cooke faith, that Parliament Men may in Parliament Time confer together, or with any other, of any Business of the Parliament; but he hath not been so wise as to confer with any of this great Business now in Question. He faith, that the Papists have no Cause to rejoice at this our great Grief; for in the King's Letter there is no Mention of any thing for them, or in their Behalf. He thinketh, that we have done nothing but in the Duty of the most dutiful Subjects. He marvelleth, that any amongst us should dislike our Proceedings in the Petition, fince, when it paffed in this House, there was not one Negative. He wisheth, that those who disliked would have faid No:-That we had not treated of War but by Intimation from the Lords:—That we are prohibited by the King's Letter, to treat of any thing concerning the Government of the State, or of any thing that hath its Motion in any Court of Justice: - That the King was once before incensed against this House, upon a Missinformation; but, being told (though not from us) how he was misinformed, he did, of his own gracious Goodness, send to this House to proceed in that Bufiness: but hereupon the House did, notwithstanding, proceed to justify their Actions, and to claim their Privileges. He would have us now feek out Precedents and proceed accordingly.

MR. Pymme saith, that the Words of siery, popular and turbulent are laid by his Majesty on the whole House; for, since we have not punished or questioned any such, but (as the Letter saith) been led by their Propositions, it is the Act of the whole House. He desireth, a Petition may be from us to the King, to know, who, his Majesty hath been informed, those siery turbulent Spirits are; that we may justify ourselves, and clear the House of the

Taint of those Words.

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SIR Dudley Digs moveth, that, fince we have gone farther, in the Business of War and the Prince's Match, than hath been revealed unto us, that we may now go to the King, and shew so much by a

Petition to his Majesty.

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MR. Thomas Crewe would have every one of us to examine our Hearts, and to confider, whether there be any thing in our Petition that is not fit to be presented to the King; and, if we find, that we have not touched therein on the Prerogative, or on any thing unfit for us to present to the King, that then we would prefent the same (having first prepared Way by another humble Petition) to the King. But, if any one find, that there is any thing in the Petition, that doth dishonour the King of Spain, or toucheth affirmatively or negatively on any Particular, he wisheth he would deliver his Opinion to the House, and not conceal his Dislike of the same:— That, for himself, he hath said nothing, neither findeth any thing in that Petition, wherein he hath intended or aimed at any other End, than the Safety of our Religion, the King and Kingdom:-That the King said, he would not be ruled by Will, where he could not be convinced by Reason, in any thing concerning the Treaty. He faith, that in 21 Ed. 3. that great King, on the Petition of the Parliament, did hear their Petition, and ease them of a great Imposition, laid in a Time of Necessity on He defireth to be advised, whether the Subject. our Petition be not, for Manner and Matter, fuch as we may present to his Majesty; and, if it be, he would then have us be constant to ourselves, dutiful to the King, and careful of our Liberties and Privileges; and by another Petition to go to prepare the King for the Hearing of the former Pe-

MR. Wentworth would have us labour to fatisfy the King; and therein, first, to set down, that we were induced to treat of the Business of War by that which which we heard from the Lords, and in this to think against whom the War should be, and how to cut off the Sinews of the War against us; which we thought could not be, if we were allied by Marriage to him, who maintaineth the War against us: secondly, by what Reason of Necessity we were led to treat of and petition in those Businesses: thirdly, to seek forth some Precedents, to see whether we

have gone beyond our Reach or no.

MR. Secretary Calvert saith, that he believeth, that no Man will now speak against any Part of our Petition, it being the Act and Work of all of us. He thinketh, we are now to give Satisfaction to the King, which is the Thing now in Question, and whether to proceed therein by Excuse or Justification. He thinketh Justification is not the Way, and would have us go to the King by Way of Excuse, and to shew the Grounds of our Proceedings, and how that we were therein deceived: for the King doth dislike the Body of our Petition, and therefore to offer it again will but incense his Majesty the more.

SIR Thomas Wentworth would have us thew the Reason and Grounds of our Proceedings, and that Precedents may be fought forth, to strengthen the fame, and this is to be done by a felect Committee. He would have us forbear to mention, in our Petition, that Point concerning the Prince's Marriage; because the King, in his Letter, saith, that, if that Point be in our Petition, he will not deign to read it:-That, for that Point of the King's Letter, wherein he faith, that he will punish such as speak in Parliament, if they misbehave themselves, he would have the Committee to consider of some Precedents, to shew our Privilege in this Particular, and that we should fairly and humbly by Petition shew our Liberty therein: - That he would not have the Bills and Business in the House, for the Good of the Kingdom,

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dom,

SIR Robert Phillips faith, it becometh the Duty of us to the King to proceed with due Respect and Care of his Honour; and also it becometh the Duty and Honesty of every one of this House, to stand on the Defence of our Privileges. It is now a Queftion, whether we shall proceed by Justification or Excuse:—That, if we proceed by Excuse, it presupposeth an Error; which, he faith, he shall not readily confess. He would not have us proceed so, as to wound our Proceedings with too much Levity and Rashness. Since there was never so much Distemper in the Members of this House, he would not have us meddle with any thing, till we had determined this great Business. He thinketh it best to

proceed herein by a felect Committee.

SIR Francis Afbley would have us consider, First, how to proceed, that we may fet ourselves right again in the King's Opinion; and, the King being milinformed of us, he would have us rightly inform his Majesty by Petition: Secondly, whether we shall justify our Actions or no; he would not have us excuse or qualify what we have done, but to tell his Majesty, that, if any here do offend against his Majesty, we are so careful of his Honour, as we will punish it:—That the Papists are so insolent, that they fay, they do not only hope for a Toleration, but do hope also to bring their Ends to such a Pass, as we shall be glad to sue for a Toleration;—That Reasons and Precedents may be the Ground of what we shall say to the King: Thirdly, for the Defence of our Privileges, he would have us allege our Precedents, and inform the King, that none hath here touched on any thing, which may tend in the least Manner to the Dishonour of the King, but we have presently punished them, before they have gone out of the House; and to desire, that, if any Member offend

offend here, we may, according to the ancient Course of Parliament, punish them ourselves.

MR. Alford would have us, I, Endeavour to stand right in the King's Opinion and Favour: 2. For the Maintenance of our Liberty, and Privileges of Parliament: 3. He liketh well, that we should consider of the annexing of the Petition to that which we have already prepared. He would have Three Committees severally to consider of these Three Points; and that we should not proceed with any Bills, lest, in the Debate thereof, we go too far in speaking of our Consciences freely.

SIR Geo. Moore would have us, in our Petition to the King, leave out nothing, but shew both all our Petition which we have prepared, and also the Causes and Grounds of our Proceedings therein.

A SELECT Committee is appointed by the Grand Committee, to prepare a Declaration, to be fent to the King, of the Manner of the Proceedings of this House, in the Petition lately intended to be sent to his Majesty, and also concerning the Privileges of the House, and all Things incident thereto. This Committee is to sit in the House, and every one that will come is to have Voice.

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#### AT the Select Committee.

THERE is a Sub-committee of Twelve appointed by this felect Committee, to reduce into Writing and form the Declaration, which was appointed this Morning to be confidered of by the felect Committee; for that this Committee is fo great, as it will be hard to draw any thing, without very long Debate, into any Form. This Sub-committee is to meet in the Court of Wards, and is to have the King's Letter, and our prepared Petition, for their better Affistance.

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There was nothing done this Morning, because the Committee for the drawing of a Declaration to be sent to the King (according to our Resolution Yesterday) had not finished the same: and therefore the house would not meddle with any other Business, holding it needful we should have the King's Answer, before we enter on any other matter; for that the King, in this Letter, had (as we conceived) abridged us of Privileges and Liberties belonging to Parliament Men.

## Thursday, December 6.

COMMITTEE. In the Afternoon.

#### Most dread and gracious Sovereign,

X / E, your most humble and loyal Subjects, the Knights, Citizens and Burgesses, assembled in the Commons House of Parliament, full of Grief and unspeakable Sorrow, through the true Sense of your Majesty's Displeasure, expressed by your Letter lately fent to our Speaker, and by him related and read unto us, yet comforted again with the Affurance of your Grace and Goodness, and the fincerity of our Intentions and Proceedings, whereon, with Confidence, we all rely; in all Humbleness beseech your most excellent Majesty, that the Loyalty and Dutifulness of as faithful and loving Subjects, as ever ferved or lived under a gracious Sovereign, may not undefervedly fuffer by the Misinformation of uncertain Reports, which are ever unfaithful intelligencers; but that your Majesty would, in the Clearness of your own Judgment, first vouchsate to understand from ourselves, and not from the partial Informations of any others, what our humble Declaration and Petition, refolved on by the universal Voice of the whole House, and proposed, with your gracious VOL. II. Favour,

Favour, to be presented to your facred Majesty, doth contain, upon what Occasion we entered into Consideration of those Things which are therein contained, with what dutiful Respect to your Majesty and your Service we did confider thereof, and what was our true Intention thereby: and that, when your Majesty shall thereby truly discern our dutiful Affections, you will, in your royal Judgment, free us from those heavy Charges, wherewith some of our Mem-(168) bers are burdened, and wherein the whole House is involved. And we humbly befeech your Majesty, that you will not hereafter give Credit to private Reports, against all, or any of the Members of our House, whom the whole have not censured, until your Majesty hath been truly informed thereof from ourselves; and that, in the mean Time, and ever, we may fland upright in your Majesty's gracious and good Opinion, than which no worldly Confideration is, or can be, dearer unto us. When your Majesty had reassembled us in Parliament, by your royal Command, fooner than we expected, and did vouchsafe, by the Mouths of three honourable Lords, to impart to us the weighty Occasions moving your Majesty thereto, from them we did understand these Particulars: That, notwithstanding your princely and pious Endeavours to procure Peace, the Time was now come, that Janus' Temple must be opened, and that the Voice of Bellona must be heard, and not the Voice of the Turtle:—That there was no Hope of Peace, or any Truce to be obtained, no not for a few Days:—That your Majesty must either abandon your own Children, or engage yourfelf in a War; wherein Consideration was to be had, what Foot, what Horse, what Money would be sufficient :- That the Lower Palatinate was feized upon by the Army of the King of Spain, as Executor of the Ban there, in Quality of the Duke of Burgundy, as the Upper Palatinate was by the Duke of Bavaria: - That the King of Spain, at his own Charges, had now, at

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least, five severa. Armies on Foot: - That the Princes of the Union were disbanded, but the Catholic League remainded firm; whereby those Princes, so diffevered, were in Danger, one by one, to be ruined: — That the State of those of the Protestant Religion, in foreign Parts, was miserable: And that, out of these Considerations, we were called to a War, and forthwith to advise of a Supply, for keeping the Forces in the Palatinate from difbanding, and to foresee the Means for the raising and maintaining of the Body of an Army, for the War, against the Spring. We thereupon, out of our Zeal to your Majesty and your Posterity, with more Alacrity and Celerity than ever was precedented in Parliament, did address Ourselves to the Service commended to us. And, although we cannot conceive, that the Honour and Safety of your Majesty and your Posterity, the Patrimony of your Children, invaded and poffessed by their Enemy, the Welfare of Religion and State of your Kingdom, are Matters, at any Time, unfit for our deepest Consideration in Time of Parliament; and although, before this Time, we were, in some of these high Points, filent; yet, being now invited thereunto, and led on by fo just an Occasion, we thought it our Duty to provide for the present Supply thereof, and not only to turn our Eyes on a War abroad, but to take Care for the fecuring of our Peace at Home; which the dangerous Increase and Insolency of popish Recufants, apparently visible and fensible, did lead us un-The Confideration whereof did necessarily draw us truly to represent unto your Majesty, what we conceived to be the Causes, what we feared would be the Effects, and what we hoped might be the Remedies, of these growing Evils; amongst which (as Incidents unavoidable) we fell upon some Things, which feem to touch on the King of Spain, as They have Relation to the Recufants at Home, unto the War by him maintained in the Palatinate against Uu 2 your

your Majesty's Children, and to his several Armies now on Foot: yet, as we conceived, without Touch or Dishonour to that King, or any other Prince, your Majesty's Confederate. In the Discourse whereof, we did not affume to ourselves any Power to determine of any Part thereof, nor intended to encroach, or intrude on the facred Bounds of your Prerogative or regal Authority, to whom, and to whom only, we humbly acknowledge, that it doth belong to resolve of Peace and War, and of the marriage of the noble Prince your Son; but as your most humble and loyal Subjects and Servants (reprefenting the whole Commons of your Kingdom) who have a large Interest in the Welfare and profperous Estate of your Majesty, and of the sourishing Estate both of this Church and Commonwealth, we did refolve, out of our Cares and Fears, truly to remonstrate these Things to your Majesty, which we were not affured would otherwise so fully and clearly come to your Knowledge, and that being done, to lay the fame down at your Majesty's Feet, without Expectation of any other Answer from your Majesty, touching these higher Points, than what your Majesty, at your good Pleasure, and in your own good Time, should think fit. This being the Effect of that we had formerly resolved upon, and these the Occasions and Reasons inducing the same, our humble Suit to your Majesty, and our Confidence is, that your Majesty will be graciously pleased to receive, at the Hands of these Messengers, our former humble Declaration and Petition, and to vouchfafe to read and favourably to interpret the fame; and that fo much thereof, as containeth our humble Petition concerning Jesuits, Priests, and Popish Recufants, the passing of Bills and granting your royal and gracious Pardon, you will vouchfafe your Anfwer unto us. And, whereas your Majesty, by the general Words of your Letter, seemeth to restrain us from intermeddling with Matters of Government, or Particulars

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Particulars, which have their Motion in Courts of Justice, the Generality of which Words, in the Largeness of the Extent thereof (as we hope beyond yourMajesty's Intentions) might involve those Things which are the proper Subjects of Parliamentary Actions and Discourse; and whereas your Majesty's Letter doth feem to abridge us of the ancient Liberty of Parliament for Freedom of Speech, Jurisdiction and just Censure of the House, and other Proceedings there, wherein (we trust in God) we shall never transgress the Bounds of loyal and dutiful Subjects; a Liberty, which we affure ourselves, so wise and fo just a King will not infringe (the same being our undoubted Right and Inheritance, received from our Ancestors, and without which we cannot freely debate, nor clearly discern of Things in Question before us, nor truly inform your Majesty) wherein we have been confirmed by your Majesty's former gracious Speeches and Messages: we are therefore now again inforced humbly to befeech your Majesty to renew and allow the fame, and thereby take away the Doubts and Scruples your Majesty's late Letter to our Speaker hath brought upon us. So shall we, your Majesty's loyal and loving Subjects, ever acknowledge your Majesty's Justice, Grace and Goodness, and be ready to perform that Service to your Majesty, which, in the true Affections of our Hearts, we profess; and pour out our daily and devout Prayers for your Majesty's religious Reign over us, and for your royal Posterity after you.

Ir is by Question ordered, that this Petition and Declaration, thus amended, shall be thus engrossed and sent unto the King. And that the former Petition and Declaration, which was prepared for to be sent to the King, shall not be annexed to this new Petition, but shall be presented to the King, with an humble Desire, that his Majesty will be pleased to read over the same. And that the former Messen-

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gers,

gers, appointed to go with the former Petition or Declaration, shall go with this new Petition.

## Friday, December 7.

MR. Secretary faith, that he feareth he hath offended the King, by delaying to acquaint us, that his Majesty commanded him to tell this House, that it is his Majesty's Pleasure, that Mr. Gouldsmith should be released, and that this House should not deal any farther in that Business, wherein Gouldsmith is a Plaintiff or Prosecutor against Sir Edward Cooke, a Member of this House; for that that Business hath its Motion in another ordinary Court of Justice, and that it concerneth his Majesty, in his Honour and otherwise. But, if Gouldsmith, or any other hath, by threatening or otherwise, wronged any Member of this House, that then the King leaveth him to the Censure of this House.

Mr. Secretary (feeing the House fall into Debate of other Businesses) did again move, that the House would be pleased to make some Order for the Releasement of Gouldsmith, and our desisting to deal in

that Business.

MR. Nove reporteth, that it was the Opinion of the Committee for that Business, that we should endeavour to give the King some Satisfaction concerning the Contents of his Letter, lest we might be thought sullen:—That it grew to a Question, whether we should excuse or justify our Proceedings. The Committee would not use Excuses, for that an Excuse implieth a Fault. Some would have us expound or purge our Petition of those Things which we thought might be distasteful to the King: but it was thought better to acquaint the King with our former Petition, not in the Manner of a Petition, but a Declaration to shew his Majesty how he was misinformed. Others would have us desire the King to let us know, who had misinformed him: but it

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fhou bing wou was thought better to petition the King, that he would not give henceforth Credit to the private Information of any Man; and at length the Committee appointed feveral Sub-committees to draw up a Declaration in Manner of a Petition. And, that Petition or Declaration being drawn up, it grew to a Question, whether the old Petition should be presented to the King in the Manner of a Declaration or no; for that the King saith in his Letter, that, if we altered it not, he would not deign the reading of it; and, if we sent the same annexed to this new Petition, it might be, the King would hear neither of them.

vate Bill or Act, " to enable the Lady Alice Dudley, "Wife of Sir Robert Dudley, (now beyond Sea in "Spain) to fell and affure the Manor and Castle of "Killingworth, in the County of Warwick, to the

" Prince and his Heirs."

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ANOTHER Message from the Lords, with a Bill entitled "An Act for the making of the River "Thames navigable for Barges, Croyes and Boats, "from Bircock in the County of Oxford to the City "of Oxford."

Ir grew to a Question, whether we should send, annexed to this our new Petition, that which we had formerly prepared for the King, or send it by our Messengers, and desire in our new Petition, that the King would be pleased to read also the former.

Mr. Crewe faith, that, if we fend not our former Petition, we do withdraw our Hand from it and so accuse ourselves; and therefore would not have it omitted to be sent; but would not have it annexed, but sent by the Messengers.

SIR Samuel Sandes faith, he would be glad that we should bring our End to a good Effect without rubbing on his Majesty's Affections or Pleasure. He would not have the former Petition annexed; for

that

that were to tie it to our former Course. He would have the Messengers to acquaint his Majesty, that, if he will require our former Petition and Proceedings, they have it there ready to shew it to his Ma-

jesty.

SIR Rob. Phillips saith, that, for the Way and Manner of sending our former Petition, he liketh it not to be sent to the King by Annexation; for that were to force the Perusal of it on his Majesty: but would have it go with this new Petition, and that the Messengers should be humble Suitors to the King, that he would be pleased, at the humble Suit of his loyal Subjects, to view and peruse the former Petition; that his Majesty may see, how he hath been misinformed of our Proceedings.

IT is ordered according to Sir Robert Phillips's

Motion.

SIR Robert Phillips saith, that in Businesses of so great Consequences as this is (whereof we never had a greater in this House) it hath been the ancient Use to go to the King by our Speaker; and therefore he thinketh it fit, that the same be presented to the King from us by him.

MR. Secretary faith, he would not have the Speaker go with this Petition to the King, because it is the King's and our Desire, that we should have a Sessions, which cannot be done if the Speaker go with this Petition to Newmarket; and so it will cross the Petition which we have made to the King for a Sessions.

SIR Francis Seymour faith, that, fince it is the Refolution of the House, not to meddle with any Business, till we have the King's Answer to this Petition or Declaration, it will not hinder the Proceedings of the House to have the Speaker go with it.

SIR Robert Phillips faith, that we shall not bring good News into the Country, if we there say, we have brought Bills, but lost our Liberties and Privileges. Bills cause our well-being; but our Privileges are a Part of our Being and Subsistence. He

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from That but a would not have us (though he hopeth well that we shall have good Bills) proceed or meddle here with any Business, till we stand right in the King's Favour, and have cleared the Doubts and Scruples that lie on the Privileges of our House. He would have the Speaker go and make Haste with a gracious Message from the King, that so we may proceed with Courage and Comfort.

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SIR Sam. Sandes saith, if we will proceed with Bufiness here before we have an Answer from the King, we must reform our Petition; for we therein say, that by his Majesty's Letter we take ourselves to be so abridged, as that we cannot proceed, till his Majesty hath removed that Cloud from us concerning our Privileges.

SIR Thomas Posthumus Hobby saith, that it is without Precedent, that our Speaker should deliver any Petition to the King, from the House, in Writing: but it is the Use, when we send our Speaker, to let him deliver the Message by Word of Mouth only.

Mr. Noye faith, that, if we fend this Message by our Speaker, we must adjourn the House; and, if we adjourn the House, it must be to a Day certain; which we cannot well do, for that we know not when the King will give Audience, nor how the Waters will permit you to return home; for, if the Speaker sit not at the certain Day to which we shall adjourn, then we shall endanger the Continuance of the Parliament.

SIR Nathaniel Rich saith, that there are Precedents, that the Speaker hath gone out of Town to Eltham, with a Message to the King; and therefore we may send our Speaker out of Town. And he thinketh, if we adjourn the Parliament, till his Return, it will be a Time certain enough for the Adjournment.

MR. Pymme would not have us think that a Letter from the King can take from us our Privileges:—
That the Liberties and Privileges of the House are but accessary; and that Bills are the End of a Parlia-

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ment. And therefore he would not, that the Care of preserving our Liberties should hinder the End for which we came hither.

MR. Hackwell faith, that in 7 Eliz. one Mr. Gar-(271) grave (being Speaker then) was not only the Deliverer of a Petition (concerning Succession) to that Queen, but was also one of the Committee for the drawing of it.

But presently after his Speech, Mr. Hackwell (on Search of the Journals of this House) said, he found

not this Precedent fully warranted.

SIR Henry Withrington faith, that Sir Ed. Phillips, being Speaker here, fell fick, before he could come to the House to adjourn the Parliament: and so the House fat not in three or four Days together, without adjourning of itself, and yet the Parliament was not discontinued: so as the Doubt put by Mr. Noye is

needless and without Danger.

SIR Hum. May, Chancellor of the Dutchy, faith, he believeth there is no Precedent, that the Speaker (who is the Mouth of the House) should deliver a Petition from the House; for that were to put the Speaker's Tongue into his Hands. And, if we have no Precedent for it, he would not have us create a Precedent for it; for it is of dangerous Consequence for us to create Precedents: for then, if we shall, at any Time, say, the King hath no Precedent to do a Thing which we dislike, his Majesty will then say, if there be no Precedent, he will create one; which may be of a very ill Consequence to us.

SIR William Stroude faith, that we know not what Message of Importance we may have from the King or from the Lords. The King did send hither, in a former Parliament, a strange Letter to the House, concerning the Business of Impositions: and yet, before the House could resolve, and prepare a Petition to the King, to have Ease of the Doubts, that here did arise by Occasion of that Letter, his Majesty, on Consideration of the said Letter, did,

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IT appo prese besee Petiti before he heard from the House, revoke the said Letter; and it may be, his Majesty may do the like again; and therefore he would not have the Speaker go with the Petition, because he should not be out of the Way, if such a Letter should happen to come, or any other Business of Consequence from the Lords.

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MR. Brooke, the Lawyer, faith, that, if we do adjourn the House, it must be to a Day certain; and, if we meet not then, the Parliament is discontinued: then we cannot meet again till there be a new Summons.

SERJEANT Towfe would not have the Speaker go with the Petition to the King, lest, by adjourning the House (if the Speaker should not be come at the Day) we endanger the Discontinuance of the Parliament.

Mr. Speaker desireth, that nothing may be put on him, that hath not been put on any of his Predecessors; and that the House will be pleased to consider, how far it may reslect on the House for him to be commanded to what is improper and unsit for his Place, which toucheth not his particular Reputation, but the House's.

THE House, on a long Debate hereof, resolved, that it was not fit to send the Speaker to the King with the Petition or Declaration; but think it not best to have it put to the Question, whether the Speaker shall go with it or no.

SIR Guy Palmes would have it ordered, that there should be a Cessation of Business here, in this House, till we have the King's Answer.

#### Saturday, December 8.

It is ordered, that the same Messengers, formerly appointed to carry the former Petition, shall go and present this new Petition and Declaration; and shall beseech his Majesty to vouchsafe to hear our former Petition or Declaration read, which is to be sent by the

the Messengers: and that Sir Richard Weston, Chancellor of the Exchequer, shall report, or bring to the House, such Answer as his Majesty shall be pleased to give or fend.

SIR Edward Villars is named one of the Messengers, in the Place of Sir Francis Vane, who is gone

into Kent to visit his sick Mother.

Mr. Chancellor of the Exchequer protesteth, that he will faithfully deliver the Message we fend by him, and bring back his Majesty's Answer.

IT is ordered, that both the Petitions shall have for the Title of them, To the King's Most Excellent

Majesty.

IT was moved, that there might be an Order entered, that no Business should be here done till we had received the King's Answer to this our new Petition: but the House would not have any such Order entered, albeit it seemed, by the Vote of the House, that their Resolution was to meddle with no [272] Business, till they had received his Majesty's Answer.

#### Monday, December 10.

MR. Bartlett saith, that we are the King's loving Subjects and Children, and he is our gracious Sovereign and Father:—That a Child, though he be discontented, will not yet offend the Father, out of a true Respect and Obedience to him:—That the King seeketh not to abridge our Liberties, but to increase his Prerogative:—That Christ saith, we should be wise as Serpents; and, if we be struck on the one Ear, to turn the other. He would not have us undergo the Censure of being passionate and testy, and so rise, or sit here and do nothing, till we have the King's Answer: but would have us go on with the Business of the House; for otherwise we cannot have a Sessions, as we desire, before Christmas.

SIR George Moore faith, that he thinketh we shall not discharge our Duties to God, the King, and our Country,

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Country, if we fit here and do nothing, or rise as foon as we come. He saith, it will be a Strengthening to our Privileges, if (notwithstanding the King's Letter) we proceed with the Business of the House.

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A Message from the Lords, who fend us, "An "Act of Repeal of a Branch of the Statutes of 34

"Hen. 8. concerning the making of Laws and Ordinances in Wales." "Another Act for making

" it Felony to levy a Fine, acknowledge Statutes, Recognisances, &c. or suffer any Recovery in ano-

"ther's Name." "And another Act concerning

" the Transportation of Butter out of the Dominions

" of Wales, and the County of Monmouth."

MR. Mallet saith, that, if we be dissolved now, without passing the Bill for Repeal and Continuance of Statutes, it will disannul most Laws made since the King's coming, and will question the Validity of the Bill here passed, for the Two Subsidies given; for it is not now as it was in 12 Ja. when the Parliament was dissolved; for we have now passed a Bill already, and there was no Bill passed at that Meeting.

SIR Edward Sackville saith, he doubteth not but the King, being, as he will be by our new Petition, truly informed, that his Letter was grounded on a Misinformation, will send us a gracious Answer to our new Petition; and then we shall repent we are no more forward for a Sessions. And, it may be, the King may take such Displeasure at our desisting to deal in Business, as it will incense his Majesty against us, so as we shall receive no so good Answer

as we defire.

A Message from the Lords, certifying, that, though they did like well the Scope and End of the Bill they received from us against Monopolies; yet, for Respect of some Passages, their Lordships thought it sit to let it sleep: but yet thought it sit to have a new Bill framed, which they have prepared, and do

defire

desire a Conference with this House, about the same,

Tomorrow in the Afternoon.

SIR Rob. Phillips faith, he feeth not how we can have a Conference with the Lords on this Bufiness, it being a Matter likely to touch on Matter of Prerogative, till we have refolved here to go on with Business, and that the King hath given us some gracious Answer to our Petition: - That he thinketh it will be agreeable to the King's Pleafure, and our Duties to his Majesty, for us rather to be silent than to proceed with Business, till we have the King's Anfwer: - That, for our going home without Bills, he thinketh it better to do fo, than to go home without Liberties: - That we are not likely, by Reason of the Shortness of Time, to give any Remedy for the Ease and Amendment of Trade, and for Help to recover the Want of Money. He would have us refolve, but not to order, to fit without doing any thing, till we have an Answer from the King; and now to give Answer to the Message, That, for some urgent Businesses, we cannot now attend the Conference; but we will shortly give their Lordships such an Answer, as shall shew our Respects to their Lordships, and our Desire of the good Success of that Bill.

SIR Edward Cooke faith, that, fince Monopolies do touch or concern very little the Lords, or their Liberties, but only the poor People, and that they (273) have yet cast it away without Conference with us, he would have us answer, that we will consult in this Business with our Precedents, and then give their Lordships a fit Answer by Messengers of our own. For he thinketh, it will hardly fland with the Precedents of this House for us to confer with their Lordships (after they have cast away our Bill) on a new Bill for the fame Purpose. And he would have us the rather give this Answer, because of the Difrespect which their Lordships shew to us herein, who have carried ourselves with all due Respect to them,

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in not conferring with us, before they cast away our Bill; and therefore he thinketh discors concordia will do no Hurt.

SIR Nathaniel Rich faith, that this Bill against Monopolies was promised by the King, and did encourage the People to give freely to the Subsidies, and is a Bill on which the Hopes and Expectation of the Country is set. And, because their Lordships, whom it least concerns, have cast it away without Conference, that we should give such an Answer as may shew our Sense of their Disrespect to us.

Answer to the Lords' Message.

THAT the Matter, whereon the Conference is defired, is of a rare Quality; and therefore we defire to take deliberate Confideration of the same, and will return an Answer to it by Messengers of our own, in convenient Time, though not perhaps within the Compass of the Time, that is desired by their

Lordships.

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SIR Edward Cooke saith, that it is, on this Point, with us now, as it was in the Time of some of the former Kings of this Realm. In the Parliament Roll at Westminster, in [..] Sti. Hilarii, Anno 2<sup>do.</sup> H. 4. num. 11. 25 Jan. the House did petition the King, that, because it might happen, that some of the Commons, to please the King and advance themselves, might relate some Things here debated of, before it was determined, discussed or accorded of by the Commons, [that] it would please his Majesty, to give no Credit to such Reports, &c.

ANSWER from the King then was, that it was his Will, the fame Commons should have free Deliberation and Advice to debate of all Things for the Advancement and Honour of the King, and of all his Realm; and that he would never hear, or give Credit to any such Relation, till it was sent him by the

whole House.

This Record is delivered into the House, and it is ordered, that it shall be entered here in the House

House in French and English, and that every one that

will shall have Copies of it.

MR. Sollicitor faith, he doubteth not but we shall (274) have as gracious an Answer from our King to our Petition, as was given according to that Precedent of 2 Hen. 4. He would have us, in the mean Time, to do something:—That we are gone so far in Parliamentary Business, as that it will be a Sessions (though it should be dissolved) by Reason of the Bill passed for the Subsidies; and, if it should be so, it will be a great Damage to the Commonwealth, by letting fall of those good Bills, which depend upon a Continuance. He would therefore have the Committee for Repeal and Continuance of Statutes to meet this Afternoon, to prepare that Bill.

SERJEANT Ashley saith, it hath been told some great Personages, and he doubteth not but it is, by this, come to the King's Ear, that he spake the other Day something tending to Mutiny, and the Dishonour of the King. He desireth, that there may be some Order here entered, that they, who do thus misinform, misinterpret those who shall here speak their Consciences, may come under the Censure of this House: and that himself may, if he hath spoken any thing that hath tended to Mutiny, or the Dishonour of the King, answer it here, on his Knee at the Bar; if otherwise, that he may be cleared by

the Vote of the House.

It is by Question resolved, that Serjeant Ashley hath spoken here nothing tending to Mutiny, or the Dishonour of the King, or any thing whereof he may

be justly accused.

MR. Alford desireth, that if any, in this House, can say, or doth think he hath spoken here any thing which hath misbeseemed him, or hath not been with sufficient Duty and Respect to the King's Honour, that he will now charge him with it.

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MR. Wrenbam moveth, that Mr. Secretary, who did once charge Mr. Alford here for Words which he here spake, may declare now here, whether he be satisfied or no, that Mr. Alford hath spoken nothing here unsitting or misbeseeming the Duty of a Subject and Member of this House.

Mr. Secretary faith, that, when Mr. Alford here fpake, he did charge him for some Words; but the House did not then think it fit to question him for it; and it is not material, whether himself be satis-

fied or no for that Particular.

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Mr. Treasurer of the Houshold saith, that the Reason of Mr. Secretary's Exception to Mr. Alford was on a mistaking, and he thinketh it was just; but, it being on a mistaking, all Men are satisfied.

THE Vote of the House is, that Mr. Alford is clear from speaking any thing disloyally: but he is not, neither desireth to be cleared by Question.

Mr. Speaker defireth to know the Pleasure of the House, for the Releasement of Mr. Gouldsmith, or what Answer we will give to his Majesty's Message, delivered to us by Mr. Secretary, concerning the same.

MR. Weston saith, that the Offences of Lepton and Gouldsmith are very high against the Privileges of this House; for it is a Conspiracy or plotting against a Member of this House, out of Malice, for a Business justly censured against him here in the House:

—That therefore he would not have Gouldsmith released, but a fit Answer to be given to his Majesty, concerning that Business; and that a Committee should draw this Answer; but first Mr. Secretary should set down, in Writing, the Message concerning Gouldsmith, from the King; and he doubteth not but the King will, being truly informed thereof, wish us to retain him.

SIR Robert Phillips faith, that no Man will discharge freely his Duty here, if he may lie open to the Malice of such as are here censured and punished.

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He would have Mr. Secretary fet down in Writing the Message from the King, in this Business of Gouldsmith; that then we may consult and advise of

a dutiful Answer to his Majesty.

SERJEANT Afbley saith, that it is true, that he is affigned with Mr. Speaker of Council against Sir Edward Cooke, in this Business. He saith, the King may, by his Prerogative, pursue a Suit in any Court of Justice against any Member of this House, in Time of Parliament.

Mr. Crewe faith, that this Business of Lepton and Gouldsmith against Sir Edward Cooke, being grounded for Business here done, is a great Wrong to the

Members and Privileges of this House.

IT is ordered, that Mr. Secretary shall, Tomorrow Morning, bring hither in Writing the King's Message concerning Gouldsmith.

## Tuesday, December 11.

MR. Secretary faith, that the Message from the King, concerning the Business of Lepton and Gouldfmith, is to this Effect: That his Majesty did command him to fignify to this House, that he hath heard (to his great Admiration) that we should embrace a Matter and Cause, concerning Sir Ed. Cooke, and Gouldsmith and Lepton :- That his Majesty doth much dislike the intermeddling of this House in that Business; and commandeth, that we desist to meddle in the same any farther; for that it concerneth his Majesty, in his Honour and otherwise, and for that it hath its proper Motion in an ordinary Court of Justice. But, if any of the Witnesses therein have mifbehaved themselves against any Member of this House, or the Privileges of this House, that then he leaveth them to the Censure of this House.

MR. Mallet saith, that a Member of this House may not be sued in any other Court, not in the King's Cause. In 4 H. 8. in the Cause of Stroude,

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Mr fes, in certify finefs, Cooke, ters of Goulds fo mal Mifer

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there was an Act that no Member of this House may be fued for any thing done here in this House.

Mr. Glanvile faith, that we embrace not fo much the Cause of Sir Edward Cooke, as the Conspiracy by Gouldsmith and Lepton against Sir Edward Cooke, out of Malice, for that they conceived Sir Edw. Cooke was the principal Cause of the condemning of their feveral Patents. He would have the Committee to confider of the Report of that Business out of the Clerk's Book, and fo draw up an Answer to his Majesty; and, if it concern his Majesty, in his Honour or otherwife, that then we be as careful in proceeding in the same, as we have been in all other Matters.

SIR Robert Phillips faith, he would have us proceed the rather in this Business, because we should vindicate the Misinformations that have been made of this Business to the King. He would have a Committee this Afternoon, to confider of an Answer, to give Satisfaction to his Majesty herein; and also, in the Petition, to defire his Majesty to be pleased, that we may not only go on in the Profecution of this Business, but that we may have Lepton (who is now at Newmarket, and most likely to have a Hand in the Misinformation of his Majesty in this Business) and proceed against him for his Contempt in this, and also for executing his Patent (which hath been condemned here) contrary to the Order of this House; that we may not be scoffed at, as now we are, by fuch base Fellows.

MR. Thomas Crewe faith, that the Word Witnesfes, in the Meffage, is dark. He would have us certify truly to his Majesty, that we deal in this Bufiness, because it is for a Conspiracy against Sir Edw. Cooke, and that Lepton and Gouldsmith are the Ministers of this Conspiracy; and that we should not bail Gouldsmith, till we have apprehended Lepton; and so make them Fellows in Punishment, as they are in

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MR. Christopher Brooke faith, that Lepton and Gouldsmith are Witnesses for the King; but they are Parties in this Business of Conspiracy against Sir Ed. Cooke. If a Servant, shortly after he hath forsaken his Mafter, doth murder him, it is, notwithstanding, Petit Treason against his Master; for that the Cause of the Murder hath Relation to his Service, which he did not long before owe to his Mafter. And fo hath the Cause of this Suit, by Lepton and Gouldsmith, Relation to the Malice which they conceived against Sir Edward Cooke, for a Business censured here in this House. The King's House is a Place of Protection; and, if a Villain fly thither, his Lord cannot take him without Leave: no more may we meddle with Lepton, whiles he is at the Court. He would have us so far yield to his Majesty's Message, as to bail Gouldsmith, for there may come some Good of it; and that the Committee should consider of an Answer, to be sent to his Majesty.

Mr. Sollicitor faith, that he would have us advise, before we debate or talk, whether the King may, in his own Case, sue and implead, in Time of Parliament, any Member of this House, in any other Court; lest, by grasping too much for our Privileges, we lose our Liberties. He believeth, that the King meaneth by Witnesses Lepton and Gouldsmith, and that his Majesty will leave them to the Censure of this House, if they have offended against any Member of this House:-That we must not weigh only the Conspiracy of Lepton and Gouldsmith and charge them that they have maliciously profecuted and conspired against Sir Edward Cooke; for half the Suits in Westminster Hall are grounded on Malice: but the Suit, in an ordinary Court, if it were to be laid, should be, that they have falfely and maliciously conspired against Sir Edward Cooke, and we may charge them so here, and add to it, for (276) Business done here in Parliament. He liketh well that a Committee should draw up an Answer to the King,

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King, and that we should give some Ease to Gouldfmith, such as may stand with the Course of the House; but would not have us send to Newmarket for Lepton, nor yet (as the Case standeth) take him if we meet him.

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MR. Carnile faith, that he thinketh no Parliament Man ought to be fued in the Star Chamber, nor in any Court, but in Parliament, during the Parliament Time. If a Parliament Man may be fued in the Star Chamber, then all the Members, or the best Members of the House, may be drawn from the Business of this House, to answer a Riot or any other Business there; for there all Bills are exhibited in Mr. Attorney's Name, on the Behalf of the King; and he believeth it is against the Privileges of the Lower House.

SIR Thomas Wentworth would not have us meddle with Lepton, till we have rightly informed the King of the Business against him, and that then we apprehend him, if we can; for he hath offered as great a Contempt against this House, as hath any Man.

SERJEANT Ashley saith, that the King is not to stay or forbear his Suit till the Parliament be ended; but he may sue in the Star Chamber, or in any other Court, a Member of this House, in a Cause wherein the King hath Interest in Point of Right, but not interested in Point of Fine.

Mr. Secretary saith, that he taketh it, that, by the Word Witnesses, the King meaneth Lepton and Gouldsmith:—That he is of Opinion, that, if we should now, on the King's Letter, deliver Gouldsmith, it were to desist, as though we had done more than we could warrant: but he would have us to detain Gouldsmith in Prison, and make an humble Declaration to his Majesty of our Proceeding in this Business, and of the Cause of our Proceeding against him and Lepton.

MR. Weston would not have us to fall in Debate or Question of our Privileges, till we have Occasion:

Sir Edward Cooke doth not complain, that he is sued or hath been served with Process out of the Star Chamber. He would have us make an humble Declaration to his Majesty of our Proceeding in this Business first, and then to proceed as shall be thought fit.

MR. Finch faith, that, if two or three do agree to prosecute any Man, and to share and falsely testify, in any Business, that then it is a plain Conspiracy. And he believeth, this Business against Sir Ed. Cooke

is fuch a one.

MR. Recorder Finch saith, he would not that we should (in debating of the Answer to the King's Message) stir up, without Occasion, new Questions of our Privileges, which are impertinent to the Question in Debate; but decline that Question, whether the King may sue a Member of this House in Parliament Time, lest we incense the King thereby. He would have us commit the Consideration of an Answer to the King's Message to a Committee.

SIR Gilbert Cornwall testifieth here, that he heard Lepton say, that he would and did prosecute this Business against Sir Edward Cooke, because he took him to be a principal Cause, that his Patent was here

condemned for a Grievance.

SIR Robert Phillips would have the Committee to affure and humbly inform his Majesty, that we meddle not with any Cause that dependent in any Court of Justice, nor by this to enlarge our Privileges.

A COMMITTEE is appointed, and ordered to confider of all Things concerning this Business, without any Directions, and to draw up an Answer to the King; and shall have Power to send for any Persons that they will, to inform them in this Business. To set this Afternoon in the Court of Wards.

#### Wednesday, December 12.

Mr. Secretary faith, that he hath received a Meffage from the King (which, by an Order of the House, fen ma (277) the the pro

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prepa Answ House, he delivereth here in Writing) in bac verba: His Majesty, remembring that this House was desirous to have a Sessions between this and Christmas (whereupon it pleased him to signify unto us, that we should have Contentment therein, and that there should be a Session, if we ourselves were not in Fault) taking now Notice, that we forbear to proceed with any Bills, until the Return of the Messengers lately sent unto his Majesty, hath enjoined me to command the House in his Name, not to lose Time in the mean while, in Consideration of this so near Approach of Christmas: and that his Majesty hopes, we will not take upon us to make a Recess in Essect,

though not in Shew, without his Warrant.

SIR Robert Phillips faith, that he would have us confider how we have walked these Eight Days, and how our Purpose of Silence hath been grounded:-That, if we proceed, on this Message, with Bills, we endanger all our Liberties; for then we shall never hereafter proceed but in fuch and fuch Bufinesses, and in fuch a Manner as the King shall still command: and we are, by this Message, in such a Dilemma, as we must either disobey the King's Command, or for ever lose our own Privileges. He would have a Committee appointed to consider of the King's Message, and to seek forth Precedents, to fee how this House hath used to proceed, when we have received fuch Messages from the King; that thereby we may proceed without Breach of our Privileges, or Disobedience to the King's Command.

MR. Thomas Crewe saith, that it is the Duty of every Subject to obey the King's Command; and it is the Duty of every Member here to maintain the Privileges of this House:—That, if his Majesty had been truly informed of our Proceedings here, he would not think we sat here idle; for we have been preparing of a Petition for his Majesty, and of an Answer to his Majesty, concerning the Business of

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Gouldsmith and Lepton, and a Member of this House:
—That there are good Bills prepared already; but we hear nothing of the Pardon, without which a Sessions cannot well be effected:—That our Thoughts are so distracted by these many sharp Messages from the King, as we are not sit to pass any Bills at this Time; neither, if we would or could pass more Bills, could the Lords, as we conceive, despatch any more, than are already in their Hands. If we receive a comfortable and gracious Message from the King, we shall go with such Encouragement forward with the Bill for Repeal and Continuance of Statutes, as we shall soon despatch the same; and then we shall soon be ready for a Sessions.

MR. Glanvile saith, that, if we now go on with this Message, and proceed hereupon with Bills, then next we shall have Command to go on with Grievances, and then with this and that Bill, and then with that Grievance; and so hereafter we shall do nothing, but what the King commands, and proceed with no Business, but we shall have a Command for it from the King. He would have a Committee to consider hereof, as Sir Robert Phillips moved; and he believeth, that this Message from the King pro-

ceedeth from a Misinformation.

SIR Dudley Digs would have a Committee to confider of this Message, how we should proceed, and what we should do thereon:—That there might be a Committee for answering his Majesty, concerning the Business of Gouldsmith against Sir Edward Cooke: and also, that there might be a Committee to confider of the Bills in the House, and that we may proceed therein accordingly. So may we proceed in Business, and yet preserve our Privileges.

SIR George Moore saith, that, if we do proceed in this Business, wherein in Duty we are bound to proceed, we cannot (though the King command it) infringe our Liberties: but, if the King had commanded us not to proceed in any Business wherein we are wea wou ratio

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tied to proceed, then we had, if we had given over, weakened our Privileges and Liberties therein. He would have this Business committed to the Consideration of a Committee, but would have it first tho-

roughly debated here in the House.

SIR Nathaniel Rich saith, that this is as great a Business as ever came into this House, and would have us proceed in it with great Deliberation, and see what, on the like Messages, hath been here done. He would have us stay till Tomorrow Morning, before we debate hereof by a Committee; and in the mean Time to proceed with the Answer to the King's former Message, concerning Gouldsmith against Sir Edward Cooke.

SIR Edward Cooke saith, that we have received Three Commands from the King: 1. Not to deal with any Matter of Government: 2. Not to meddle with any Business which had his Motion in a Court of Justice: And now, thirdly, to go on with Bills:—That he cannot speak freely his Mind, till the Clouds that hang over us, by his Majesty's Displeasure and Messages, be cleared. He would have a Committee of the whole House, to consider here-

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SIR Ed. Giles faith, that the honester Men the worse Luck. He thinketh, there were never more loyal Subjects sat in Parliament than now: and it proceeds from the malicious Dealing of some wicked Men. And he believeth, that the End of the great Enemy is near, that he so much rageth and laboureth to cross our honest Purposes here. He would have us consider hereof Tomorrow Morning, at a Committee.

It is ordered, that Mr. Secretary shall set down this last Message from his Majesty in Writing, against Tomorrow Morning, and deliver it here to the House, and that then it shall be considered of here by a Committee of the whole House; and Mr.

Speaker

Speaker to be here, to fit by the Chair, that, if Occasion be, the House may sit.

### Thursday, December 13.

MR. Hackwell's Report of an Answer to the King, concerning Gouldsmith and Lepton against Sir Edward Cooke. He faith, that Gouldsmith did, before the Committee, much falter in his Answer; but, at last, he did acknowledge, that, shortly after the Overthrow of his and Lepton's Patents, he did confer with Lepton, whom he found full of Grief, and furnished Lepton with certain Articles against Sir Edward Cooke; but denied that he did it out of any Malice to Sir Edward Cooke, by Reason of the condemning of his Patent; but the Articles, which he delivered to Lepton, were drawn long before the Parliament met: That one Farrington faid, he heard Lepton fay, that he would profecute Sir Edw. Cooke, for that he was a Cause of the Overthrow of his Patent. He delivereth the Petition of this House to the King, concerning this Business, in bec verba:

To the King's Most Excellent Majesty.

May it please your Majesty,

TE, the Knights, Citizens and Burgesses of the Commons' House of Parliament, understanding, to our great Grief, by a late Message from your Majesty, your Dislike of our Proceedings in the Matter concerning Sir Edward Cooke, Lepton, and others, do conceive that the same was occasioned by some Misinformation: and therefore, for your Majesty's Satisfaction therein, we do most humbly and truly declare, that we (having employed Sir Ed. Cooke in the publick Examination of two Patents, which we have justly condemned for Grievances) have fince discovered, that Lepton and Gouldsmith, who were Parties severally interested in those Patents,

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- Appendix	conceiving Malice against Sir Edward Cooke, for his due Performance of his Service, tending to your Majesty's Honour, and the Good of your People, did thereupon combine and practise to ruin him; and, for that Purpose, did seek out and collect many Particulars of ancient supposed Misdemeanours, of indifferent Natures, not concerning themselves [] many of them [] before your Majesty's last General Pardon, and did move and incite certain Persons, to prosecute and testify against him, in a Suit by them projected, to be prosecuted in the Star Chamber, concerning the same [
	the Countenance of some great Ones, for the Furtherance of their intended Combination [] and boldly giving out, not without much Slander to your Majesty's Justice and Government, that, if this their Practice, by Way of Suit in the Star Chamber, should not strike home, [that] then there should be a Course taken to send him into Ireland, of which Attempts and Misdemeanours, not only tending to the Discouragement of the Members of our House in general [
	whereof we could not choose but be sensible [
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ther just Privileges and Liberties, without any Prejudic to your Majesty, as well in Point of Honour as otherwise.

MR. Hackwell saith, that Mr. Gouldsmith, having justified himself and said, he did not prosecute against Sir Edward Cooke out of Malice, by one Letter to the Committee, did, the next Day, by a second Letter, say, he wrote his former Letter out of Passion and Grief of Spirit; and doth now beseech, that the Lines of that Letter may not be laid to his Charge:—That he doth repent himself of his Fault, and wholly relieth on the Mercy, and not on the Justice of the House; and that he shall ever call for the Mercy of this House, and hopeth, that, as God is merciful, so he shall find this House.

MR. Shelito saith, that Mr. Gouldsmith was Yesterday at his Chamber, to speak with him; but he would not speak with him:—That Gouldsmith told him the last Term, he was sent from the Lord Verulam, to desire him to look out some Notes and Collections of a Business, preferred in the Star Chamber, against Sir Edward Cooke, by one Gargin, for that Sir Edward Cooke had carried a high Hand against the Lord Verulam. But he did not say, that he did conceive, of himself, any Malice against Sir

Edward Cooke.

SIR Robert Phillips would have Mr. Secretary, who brought us that Message from the King, to

convey this our Answer to his Majesty.

MR. Alford saith, it will be neither for the Honour of the King, nor this House, to send our Answer by a Post. We stand not fair in the King's Favour; and, if we should slight his Majesty, he might take it ill.

MR. Secretary thinketh it will be a good Time for us (for the less disquieting of his Majesty by Messengers) to stay the sending of this our Answer to his Majesty, till the Beginning of the next Week, when the King will be at Theobald's; for that it hath

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not been the Course of Parliament to send to the King, but by Messengers of our own, any Message or Answer.

It is refolved, that our Answer to the King, concerning Gouldsmith, shall rest till Tomorrow; and then, when it is engrossed, we will resolve of the Manner of sending it to the King, and the Time.

# Friday, December 14.

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MR. Chancellor of the Exchequer, returning with the King's Answer to our Petition, saith, that the King delivered to the Messengers a true Copy of our first Petition; which, being examined with our's, there was nothing omitted, but only a Clause at the End, which was, "\* That we intended not, by that Petition, to intrude on his Majesty's Prerogative:"—That the King said, the Prince sent him the Copy of our former Petition, being much grieved to hear, that his Marriage was so much prostituted in our House:—That his Majesty hath read both our Petitions, and sent us an Answer to our last, which is as followeth:

His Majesty's Answer to the apologetic Petition of the House of Commons, presented to his Majesty by a Dozen of the Members of that House, by their Direction.

We would have done, if your first Petition had come to Our Hands, before We had made a Stay thereof; which is, to repeat the first Words of the late Queen, of famous Memory, used by her in Answer to an insolent Proposition made by a Polonian Ambassador unto her, that is, Legatum expessabamus, Heraldum accepimus. For we had great

<sup>\*</sup> This Claufe was added to our Petition but a little before it was fent away, and therefore could not come to the King's Hand before our Messengers delivered our's.

Reason to expect, that the first Message from your House should have been a Message of Thanksgiving for Our continued gracious Behaviour towards Our People, fince your last Recess; not only by Our Proclamation of Grace, wherein were contained Six or Seven and Thirty Articles, all of feveral Points of Grace to the People; but also by the Labour We took, for the Satisfaction of both Houses, in those Three Articles, recommended unto Us in both their Names, by the Right Reverend Father in God the Archbishop of Canterbury; and likewise for the good Government of Ireland, We are now in Hand with at your Request. But not only have We heard no News of all this, but contrary great Complaints of the Danger of Religion within this Kingdom, tacitly implying our ill Government in this Point. And we leave you to judge, whether it be your Duties, that are the Representative Body of Our People, fo to distaste them with Our Government: whereas, by the contrary, it is your Duty, with all your Endeavours, to kindle more and more a thankful Love in the People's Hearts towards Us, for Our just and gracious Government. Now(280) whereas, in the very Beginning of this your Apology, you tax Us, in fair Terms, of trusting uncertain Reports, and partial Information, concerning your Proceedings, We wish you to remember, that We are an old and experienced King, needing no fuch Lessons; being, in our Conscience, freest of any King alive from hearing or trusting idle Reports; which so many of your House, as are nearest Us, can bear Witness unto you, if you would give as good Ear to them, as you do unto some Tribunitial Orators amongst you. And, for Proof in this Particular, we have made your own Messengers confer your other Petition, sent by you, with the Copy thereof, which was fent us before; between which there is no Difference at all, but that, fince Our receiving the first Copy, you added a Conclusion unto

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unto it, which could not come to Our Hands, till it was done by you, and your Messengers sent, which was all at one Time. And, if that We had had no Copy of it beforehand, We must have received your first Petition, to Our great Dishonour, before We had known what it contained; which would have enforced us to give you a far worse Answer, than now we do: for then your Messengers had returned with nothing, but that We have judged your Petition unlawful, and unworthy of an Answer. For, as to your Conclusion thereof, it is nothing but Protestatio contraria facto: for, in the Body of your Petition, you usurp upon our Prerogative Royal, and meddle with Things far above your Reach; and then, in Conclusion, you protest the contrary: as if a Robber would take a Man's Purse, and then protest, he meant not to rob him. For first, you prefume to give Us your Advice concerning the Match of our dearest Son with some Protestant, we cannot fay Princels, (for we know none of these fit for him) and diffuade us from his Match with Spain, urging us to a present War with that King: and yet, in the Conclusion, forfooth, ye protest, ye intend not to press on Our most undoubted and regal Prerogative; as if the petitioning of Us in Matters that yourselves confess, that ye ought not to meddle with, were not a meddling with them. whereas ye pretend, that you were invited to this Course, by the Speeches of Three honourable Lords, yet, by so much as yourselves repeat of their Speeches, nothing can be concluded, but that we were refolved, by War, to regain the Palatinate, if otherwife We could not attain unto it; and you were invited to advise forthwith upon a Supply for keeping the Forces in the Palatinate from disbanding, and to foresee the Means for the raising and maintaining of the Body of an Army, for that War, against the Spring: now, what Inference can be made upon this, that therefore we must presently denounce War

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War against the King of Spain, break Our dearest Son's Match, and match him with one of Our Religion, let the World judge. The Difference is no greater, than as if we would tell a Merchant, that we had great Need to borrow Money from him, for raising an Army, that thereupon it should follow, that we were bound to follow his Advice in the Directions of the War, and all Things depending thereupon. But yet, not contenting yourselves with this Excuse of your's, which indeed cannot hold Water, ye come after to a direct Contradiction to the Conclusion of your former Petition, saying, "that the " Honour and Safety of Us and Our Posterity, and "the Patrimony of Our Children, invaded and pos-" fessed by their Enemies, the Welfare of Religion " and State of Our Kingdom, are Matters, at any "Time, not unfit for your deepest Considerations in "Parliament." To this Generality We answer with the Logicians, that, where all Things are contained, nothing is omitted; fo as this Plenipotency of your's invests you in all Power upon Earth, lacking nothing but the Pope's, to have the Keys also both of Heaven and Purgatory. And to this vast Generality of your's, We can give no other Answer; for it will trouble all the best Lawyers in the House to make a good Commentary upon it. For so did the Puritan Ministers in Scotland bring all Kind of Causes within the Compass of their Jurisdiction, faying, that it was the Church's Office to judge of Slander; and there could no Kind of Crime or Fault be committed, but there was a Slander in it, either against God, the King, or their Neighbour. And by this Means they hooked in to themselves the Cognisance of all Causes. Or, like Bellarmine's Distinction of the Pope's Power over all Kings, in ordine ad spiritualia; whereby he gives him all temporal Jurisdiction over them. But, to give you a direct Answer to the Matter of War, for which you are so earnest, we confess we rather expected, that you

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you should have given Us great and hearty Thanks for the fo long maintaining a fettled Peace in all Our Dominions, whenas all Our Neighbours about are in a miserable Combustion of War: but Dulce bellum inexpertis; and We indeed find by Experience, that a Number of our Subjects are so pampered with Peace, as they are desirous of Change, though they know not what. It is true, that We have ever professed, and in that Mind, with God's Grace, we mean to live and die, that we will labour, by all Means possible, either by Treaty or by Force, to restore Our Children to their ancient Dignities and Inheritances; and, whatfoever Christian Princes or Potentates will fet themselves against it, We will not fpare any lawful Means to bring Our so just and honourable Purpose to a good End; neither shall the Match of Our Son, or any other worldly Refpect, be preferred to this Our Resolution. For, by Our Credit and Intervention with the King of Spain, and the Archdutchess, and her Husband now with God, We preserved the Lower Palatinate one whole Year from any farther conquering in it; which, within Eight Days Space, at that Time, might have easily been swallowed up by Spinola's Army, without any Resistance: and in no better Case was it now, at our Ambassador, the Lord Digby's coming through Heidelberg, if he had not extraordinarily fuccoured it. But, because We perceive that ye couple this War of the Palatinate with the Cause of Religion, we must a little unfold your Eyes herein.

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VOL. II.

THE Beginning of this miserable War, which hath set all Christendom on Fire, was not for Religion, but only caused by Our Son in Law his hasty and rash Resolution, following evil Counsel, to take to himself the Crown of Bohemia. And, that this is true, himself wrote Letters unto us, at that Time, desiring us to give Assurance, both to the French King and the State of Venice, that his accepting of the Crown of Bohemia had no Reference to the Cause Yy

of Religion, but only by Reason of his Right by Election, as he called it. And We would be forry, that that Aspersion should come upon Our Religion, as to make it a good Pretext for dethroning of Kings. and usurping their Crowns; and We would be loth that Our People here should be taught that Doctrine: no, let us not so far wrong the Jesuits, as to rob them of their sweet Positions and Practice in that Point. And, upon the other Part, We affure Ourself so far of your charitable Thoughts of Us, that We would never have constantly denied Our Son in Law both the Title and Affistance in that Point, if We had been well perfuaded of the Justice of his Quarrel. But, to conclude this Point, this unjust Usurpation of the Crowns of Bohemia and Hungary, from the Emperor, hath given the Pope, and all that Party, too fair a Ground, and opened too wide a Gate, for the curbing and oppressing of many Thousands of Our Religion, in divers Parts of Christendom. And, whereas ye excuse your touching upon the King of Spain, upon the Occasion of the Incidents by you repeated in that Place, and yet affirm, that it is without any Touch to his Honour; We cannot wonder enough, that ye are so forgetful both of your Words and Writs. For, in your former Petition, ye plainly affirm, that he affects the Temporal Monarchy of the whole Earth, than which there can be no more Malice uttered against any great King, to make all other Princes and Potentates both envy and hate him. But (if ye lift) it may be easily tried, whether that Speech touched him in Honour or not, if we shall ask him whether he means to assume to himself that Title or no: for every King can best judge of his own Honour. We omit the particular Ejaculations of some foul-mouthed \* Orators in your House, against the Honour of his Crown and State. And, touching your Excule

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<sup>\*</sup> This, I believe, is meant by Sir Edward Cooke's scab Sheep, that came out of Spain:

of not determining any thing concerning the Match of our dearest Son, but only to tell your Opinions, and lay it down at our Feet: First we desire to know, how you could have prefumed to determine in that Point, without committing of High Treafon: And next, you cannot deny, but your talking of his Match, after that Manner, was a direct Breach of our Commandment and Declaration, out of our own Mouth, at the first sitting down of this (182) Parliament; where we plainly professed, that We were in Treaty for his Match with Spain, and wished you to have that Confidence in our Religion and Wisdom, that we would so manage it, as our Religion should receive no Prejudice by it. And the fame We now repeat unto you, professing, that We are so far engaged in that Match, as we cannot in Honour go back; except the King of Spain perform not fuch Things, as We expect at his Hands. And therefore We are forry, that ye should shew to have fo great Distrust in Us, or to conceive, that We should be cold in Our Religion. Otherwise We cannot imagine, how our former public Declaration should not have stopped your Mouths in this Point. And, as to your Request, that we would now receive your former Petition, We wonder what could make you presume, that We would now receive it: whereas, in our former Letter, We plainly declared the contrary unto you; and therefore We have justly rejected that Suit of your's. For what have you left unattempted in the highest Points of Sovereignty, in that Petition of your's, except the striking of Coin? For it contains the Violation of Leagues, the particular Way how to govern a War, and the Marriage of our dearest Son, both negative with Spain, nay, with any other Popish Princess, and alfo affirmative, as to the matching with one of our Religion; which, We confess, is a Strain beyond any Providence or Wisdom God hath given Us, as Things now stand. These are unfit Things to be handled Y y 2

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handled in Parliament, except your King should require it of you: for who can have Wisdom to judge of Things of that Nature, but such as are daily acquainted with the Particulars of Treaties, and of the variable or fixed Connexion of Affairs of State, together with the Knowledge of fecret Ways, Ends and Intentions of Princes, in their feveral Negotiations? Otherwise, a small mistaking in Matters of this Nature may produce more Effects than can be imagined: and therefore, Ne futor ultra crepidam. And besides, the intermeddling in Parliament in Matters of Peace or War, and Marriage of our dearest Son, would be such a Diminution to Us and to Our Crown in foreign Countries, as would make any Prince neglect to treat with Us, either in Matters of Peace or Marriage, unless they might be affured by the Affent of Parliament. And so it proved long ago with a King of France, who, upon a Trick, procuring his States to diffent from fome Treaty, which before he had made, was after refused treating with by other Princes, to his great Reproach, unless he would first procure the Assent of the three Estates to their Proposition. And will you cast your Eyes upon the late Times, you shall find, that the late Queen, of famous Memory, was humbly petitioned by a Parliament, to be pleased to marry; but her Answer was, that she liked their Proposition well, because it was simple, not limiting her Liking to their Fancies: and, if they had done otherwise, she would have thought it a high Prefumption in them. Judge then, what We may do in fuch a Case, having made our public Declaration already, as we faid before, directly contrary to that which you have now petitioned. Now to those Points in your Petition, whereof you defire an Answer, as properly belonging to a Parliament, The first and greatest Point is that of Religion; concerning which, at this Time, We can give you no other Answer, than in the general; which is, that you may rest secure, that We will nee

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ver be weary to do all We can, for the Propagation of Our Religion and repressing of Popery: but the Manner and Form you must remit to Our Care and Providence, who can best consider of Times and Seaions, not by undertaking a public War of Religion, through all the World at once; which, how hard and dangerous a Task it would prove, you may judge. But this puts us in Mind, how all the World complained, last Year, of Plenty of Corn; and God hath fent us a cooling Card this Year for that Heat. And so we pray God, that this Defire amongst you of kindling Wars, shewing your Weariness of Peace and Plenty, may not make God permit us to fall into the Miseries of both. But, as we already said, Our Care of Religion must be such, as, on the one Part, we must not, by the hot Persecution of our Réculants at home, irritate foreign Princes of con-[183] trary Religion, and teach them the Way to plague the Protestants in their Dominions; with whom We daily intercede, and at this Time principally, for Ease to them of our Profession, that live under them: yet, upon the other Part, We never mean to spare, from due and severe Punishment, any Papist that will grow infolent for living under our fo mild Go-And you may also be assured, We will leave no Care untaken, as well for the good Education of the Youth at home, especially the Children of, Papists, as also for preserving, at all Times hereafter, the Youth that are or shall be abroad, from being bred in dangerous Places, and fo poisoned in Popish Seminaries. And, as in this Point, namely, concerning the good Education of the Popish Youth at home, We have already given some good Proof, both in this Kingdom and in Ireland; fo will We be well pleased to pass any good Laws, that shall be made, either now, or at any Time hereafter, to this Purpose. And, as to your Request of making this a Seffions, and granting a General Pardon, it shall be in your Defaults, if We make not this a Seffion Y y 3

before Christmas, as in Our former Letter We certified unto you. But, for the Pardon, ye crave such Particulars in it, as we must be well advised upon; otherwise We give you back the Double or Triple of that We are to receive by your entire Subfidy without Fifteenths. But the ordinary Course we hold fittest to be used still in this Case, which is, that We should, of our free Grace, send you down a Pardon from the higher House, containing such Points as We shall think fittest, wherein We hope ye shall receive good Satisfaction. But We cannot omit to shew you, how strange We think it, that ye should make fo bad and unjust a Commentary upon some Words of Our former Letter, as if We meant to restrain you thereby of your ancient Privileges and Liberties in Parliament. Truly a Scholar would be ashamed so to misplace and misjudge any Sentences in another Man's Book: for whereas, in the Foreend of Our former Letter, We discharge you to meddle with Matters of Government or Mysteries of State, namely Matters of War or Peace, or our deareft Son's Match with Spain, by which particular Denominations We interpret and restrain our former Words; and then after we forbid you to meddle with fuch Things as have their ordinary Course in Courts of Justice; ye couple together these two distinct Sentences, and plainly leave out these Words of Mysteries of State; fo as ye err à bene divisis ad male conjuncta. For of the former Part, concerning Mysteries of State, we plainly restrained our Meaning to the Particulars that were after mentioned: and, in the latter, We confess We meant it by Sir Edward Cooke's foolish Bufiness; because these Heads he is accused of were, before your Meeting, presented unto Us, and We had fettled a legal Course of Proceeding therein. And therefore it had well become him, especially being our Servant, and one of our Council, if he had had any thing against it, to have complained unto Us; which he never did, though he was

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ordinarily at Our Court, fince that Time, and never had Access refused unto him. And although We cannot allow of the Stile, calling it "Your ancient " and undoubted Right and Inheritance," but would rather have wished, that ye had faid, that your Privileges were derived from the Grace and Permission of Our Ancestors and Us (for most of them grow from Precedents, which shews rather a Toleration than Inheritance) yet we are pleased to give Our Royal Affurance, that, as long as you shall continue to contain yourselves within the Limits of your Duty and Respect to Us (as We assure Ourself you will do) We will be as careful to preserve your lawful Liberties and Privileges, as ever any Our Predeceffors were, nay, as to preferve Our own Royal Prerogative: fo as your House shall only need to beware to trench upon the Prerogative of the Crown, which would enforce us, or any just King to retrench them of their Privileges, that would pare his Prerogative and Flowers of the Crown. But of this, we hope, there shall never be Cause given. To conclude then: Since We have now to largely expressed the Sincerity (284) of Our Meaning unto you, We require you to go on cheerfully, and to use all convenient Diligence, for preparing fuch good Laws for Us to pass, at this Time, as the People may fee the Care that both We and you have for the good Government of the Kingdom; ending as We did in Our former Letter, if there be not a happy Session made, at this Time, it shall be in your Default. And, above all, beware by your Waywardness, at this Time, to give our Children's Advertaries Cause to insult upon them, upon the Rumour that shall be spread abroad of a Distraction between Us and Our People, whereof ye are the Representative Body. At our Court at Newmarket, the 11th Day of December, 1621.

IT is ordered, that all the Members of the House may have (if they will) Copies of the King's Answer

to our Petition.

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Mr. Chancellor of the Exchequer faith, that he hath to deliver, by Word of Mouth, three Mesfages from the King to this House. First, that his Majesty doth appoint Saturday come sennight for a Conclusion of the Sessions, and commendeth particularly the Bill of Continuance and Repeal of Statutes; and till Friday we may despatch Bills and other Businesses of the House. Secondly, concerning the Pardon, wherein his Majesty is desirous to give us Content; but hath appointed that the Lord Treasurer himself and Mr. Sollicitor should peruse it, Ne quid detrimenti Rex capiat, Thirdly, that the King is defirous, that, if Gouldsmith hath offended the House, he should be punished; if not, he thinketh it Justice, he should be remitted.

MR. Wentworth would have us fend to the Lords, concerning a Conference about the Bill against Mo-

nopolies.

SIR Robert Phillips saith, that the Honour of the House consistes in the Constancy of its Proceeding. He would have us proceed to send his Majesty our humble Declaration of the State of the Business of Gouldsmith, and also our Answer to the King's Message. If the King's Answer to our Petition doth not strike the Affection and Soul of every Member of this House, he knoweth not what will. He would have us defer, till Tomorrow Morning, the Consideration of this his Majesty's Answer, that we may clear off from us the Stain laid on us of Rashness; and that we may not give up our Privileges, as we desire not, in any wise, to touch on the Prerogative of his Majesty.

SIR Henry Poole would not have us always dwell on the Rocks of preserving our Privileges: but would have us see the best Bills, and proceed on with some of the most general of them, that we may not go now home again with empty Hands.

SIR Dudley Digs saith, that he is much comforted to see so plain dealing from his Majesty to this House:—

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Sir. Parliar House:—That his Majesty doth so well understand our Proceedings, that he doth leave it to our free Election, to proceed with what Business we will. He would, if any one be of Opinion, that our Privileges are yet touched, that we then first clear that: but his own Opinion is, that our Privileges are not touched; and would have us go on with Bills and Business, and prepare for a Sessions.

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Mr. Sollicitor faith, that, as the Stile of the King's Answer doth carry in it Gravity and Majesty, so doth it express, that the King is a Father to us. He would have us meditate on it, and Tomorrow resolve to go on with the Business of the House.

MR. Thomas Crewe saith, that he is much comforted, that it hath pleased his Majesty to give us Assurance of Religion. For the present, he would have the Pardon prepared; and, for the rest, he would have the Clerk to bring us a Catalogue of all the Bills that are sent up to the Lords, how many of them are come down passed, how many are here engrossed, and ready to be sent up; and then a Message to be sent to the Lords, to despatch the Bills which they have.

It is ordered, that the Clerk shall prepare, against Tomorrow Morning, the true State of all the Bills of the House.

SIR Thomas Wentworth desireth, that there may be an Order that no Member go out of Town without Leave, till the Sessions be ended.

Mr. Secretary secondeth Sir Thomas Wentworth's Motion, by Reason of the great Business of the House; and desireth the Speaker to come more early than he hath been accustomed. He saith, it is the King's Pleasure, that we should proceed with Lepton, as well as Gouldsmith, if he hath offended against the House.

SIR George Moore faith, that there is an Act of Parliament, that none of the House of Commons

can depart into the Country, unless he hath Leave of the House, under the Speaker's Hand.

MR. Noye would have the House called on Thurf-(285) day next, because we may be sure, that none be absent.

THE farther Debate of this last Point, concerning the Members of this House's Departure into the Country, is left till Tomorrow.

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### Saturday, December 15.

THE Speaker moved twice, that the House would

begin to go on with Business.

Mr. Mallary hereupon defired, that the House would be pleased to order, that we might not be troubled this Day with the Speaker; and that it might not be permitted him to speak, till the House called him up.

Which Motion was well approved of, but not

ordered.

SIR George Moore faith, that our Liberties are our Freehold, and the fairest Flower that groweth in the Garden of the Commons: and, if they be once nipped, they will never grow again:-That we have laboured but of Duty (in the Service of those who sent us hither) to defend our Liberties, what we could:—That his Majesty did at first say, and hath fince reiterated his Promise, that he would confirm and maintain all our lawful Liberties:-That he doubteth not, but his Majesty, when he shall consider, that we have done what hath been good, [but that he] will add (as God did to Ezekias, when he had prayed and faid, that he had done what was good in his Sight, Fifteen Years to his Age) a longer Time to our Sitting here. He would have a Committee appointed to confider of all the Meffages, fent us by the King, concerning our Privileges, and his Majesty's several Answers; that we may fee, how the State of our Liberties now stands.

SERJEANT Ashley saith, that we should not take any Discontent at the Words of the King's Answer; for we must leave Kings to use their own Phrase and Language. His Majesty assureth us for our Religion; and, for his Part, he will (and he hopeth the rest of the House will also) take his Majesty's Word for a Warrant, to execute the Law on all Papists. The King saith, that he will maintain our Liberties, as far forth as any of his Predecessors have done; but plus valet legalis consultation, quam regalis concessor. He would have us take what Bills we may, though we cannot have what we would; lest our Adversaries rejoice to see, that we now again go home

empty-handed.

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SIR Francis Seymour faith, if we cast our Eyes on his Majesty's Letter, on his Majesty's Message, and lastly on his Majesty's Answer we shall read, with Grief, how our Privileges stand, and in what Case we stand; and he believeth, that there is no Man's Heart, which feeleth a Guiltiness of that, which is expressed in his Majesty's Answer:—That, though we now decline the farther disputing of the Match, the Matter of Religion and War, yet he would have it here expressed and declared, that the Consideration of the Religion of this Kingdom, the Safety of his Majesty's Person and this Kingdom, are not Matters out of the Cognisance of this House:-That he thinketh the Bills, which we may now pass, will not be worth our Labour. He would have us consider, how to give the King Satisfaction concerning that which he taxeth us for by his Answer; and take some Course, how to settle our Privileges, as that we leave them not worse than we found them, when we came hither.

Mr. Chancellor of the Exchequer faith, that it is with us this Day, as in a Battle: we can err but once. He hopeth we shall not so much reslect on the Manner of the King's Answer, as the Matter:

That the King, when he wrote this Answer, was

extremely divided between his Zeal to this House, and the Jealousy of foreign Princes, who had their Eyes over his Majesty, to see what would be the Success of our Petition. Seeing we have, as for our Liberties, a full Answer; and, for the rest of our Petitions, as much Satisfaction, as his Majesty, with his Honour, can (as Things fland) give; that our longer complaining of our Grief will be rather a Discontent to the King, than otherwise:—That his Majesty (when he had despatched this his Answer) parted from the Messengers cheerfully, as if he thought, that, by this his Answer, he had both anfwered the Expectation of this House, and prevented the Jealoufy of foreign Princes. He would have us go on with as many Bills, as we can now despatch; and hope for to effect the rest, at our next Meeting after Christmas.

SIR James Parrett faith, that our Religion is not fo fafe, as we defire it to be. He would have the (286) King rectified in his Opinion; for we do not blame his Majesty's Care of Religion, by complaining of the Infolency of the Papists; neither do we (as his Majesty conceiveth) take on us a Plenitude of Power. He would have us justify, to the King, our Love, Duty and Loyalty to his Majesty; and to defire, for our Religion, that he would be pleafed to fend, from this Town, all Papifts, to their Houles in the Country; for here they go to the Houses of foreign Ambassadors, where they not only exercise their Religion, but give Offerings, whereby, it is to be feared, that much of our Money is transported beyond Sea. He would have a Committee appointed to consider of these Things, and also of our Pri-

vileges, if they are infringed.

MR. Christopher Brooke saith, that we have our Privileges and Liberties by Prescription, Time out Mind, and not by Toleration. He would have a Protestation entered in the House, that we claim our Privileges as an Inheritance, and not as granted

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from Kings to us. He would have a short Bill passed here, to continue all Statutes that stand on Continuance, till the End of the next Sessions, for, if we go to pass the Bill, it will ask more Time than is between this and Friday; and also that we should pass another Bill, to continue the State of the Business of the House, as it now stands; and, by this Means, we may have a Sessions before Christmas. But especially he would have our Claim of our Pri-

vileges entered in the House.

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MR. Treasurer saith, that he findeth, that the House is much troubled, that the King hath written so angry a Letter to us, which he wisheth we had not provoked him unto. His Majesty saith, he will have a Care of the Propagation of Religion; and therefore he would have us pray to God, for the Continuance of such his Care. His Majesty saith, we have strained the Words of his Letter more against ourselves, than his Majesty meant, or we could well do. He would not have us now dispute any farther, but resolve to carry down some Bills with us; lest we draw Insamy on ourselves, and Discontent to the King and his People.

SIR Robert Phillips saith, that, lest his Silence at this Time might be imputed to Sullenness, he thought good to put himself into the Dispute of the Things now here in Agitation: wherein, he saith, he will collect and frame Observations on his Majesty's Letter; wherein we are to observe and consider the Sense and Opinion of the House, how we ought to proceed; on which he will render his Opinion, what, he conceiveth, we ought to do. In the King's Letter we may note his Majesty's Reprehension, Declaration and Admonition. In the Reprehension his Majesty is very quick with us; and he doubteth not, but, had his Majesty heard our Discourses, or could he, with a Perspective, see our Hearts, he would not have so misconstrued our Actions

tions. He would have us rather think how to get from his Majesty a sweeter Tune, than to irritate him by our farther Dispute. In the Declaration, he believeth, that there is none here but will take great Comfort to fee, that so great a Prince as his Majefty is doth take Care of our Religion; and his Majefty faith, that, to that End, he will pass any Laws for the Education of Children. He would not therefore have us roll this Stone further, feeing it is for Point of State, that his Majesty now spareth to have the Laws against Papists strictly executed. He faith, that it comforteth him, and believeth it doth likewise comfort all his good Subjects, to see his Majesty so confidently to declare his Resolution and Care to gain the Palatinate. If we had known fooner, how far his Majesty had proceeded in the Match of Spain, we should not (as he thinketh) have meddled with, or touched that String. As for our Privileges, fince his Majesty hath said, we hold our Liberties by the Grace of Princes, and not by a Right descended unto us, and that that Question is stirred (which he wisheth had not been) he thinketh that we are now to do something more in this Point, than to let them thus rest. And in so doing we shall do no more, than was disputed of in the first Parliament of his Majesty, when the King said, we held our Liberties by a Toleration, not by Right: whereupon there was here entered a public Declaration, that we held them by Inheritance from our Anceftors. He would have a felect Committee appointed for this Purpose; and that we should go to the King, to Theobald's, to let him know, that we are forry, that we are so misinterpreted :- That it is impossible to have a Sessions now; for that which will content the Country is not only Bills: and, if Bills (287) would, yet we cannot pass such Bills, as will give the wifer Sort, in the Country, any Content; for they look to have some Ease of Grievances, and some Ease of Trade, as well as to have a few Bills.

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As for the Bill of Subsidy, it will be no great Time lost, if we, at Christmas, adjourn the Sitting, as we use to do at Easter; and then we may meet presently after Christmas, to proceed with the Business of the House; and, in five or six Weeks, he doubteth not but we shall despatch such Bills and Business, as would give his Majesty and the People good Satisfaction:—That it will be no Insamy for us to alter our Purpose, since the Occasions are altered; for it is now twelve Days since we desired to have a Sessions; and since that Time we have been troubled with Business of another Nature, which hath been interposed by his Majesty's Letters and Messages,

SIR Thomas Wentworth would have a Committee appointed to confider, whether we shall do well to go on with Bills or no, and also how we hold our Privileges, whether by Right, or by Permission and Toleration: and this, of our Privileges, to be first considered. He saith, he will not speak, whether it will be best to have a Sessions or no, till he seeth how our Privileges, and the Business of the House

standeth.

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SIR Dudley Digs would have a Committee appointed, to confider how our Liberties stand; for he must say still, that our Privileges are our Right and Inheritance, born with us. He would have us take heed how we say, we hold our Privileges by Custom or Prescription; for, Nullum tempus occurrit Regi. But he thinketh, that the King did but argue that our Privileges are derived from the Grace and Permission of Princes, and doth now say so directly.

MR. Thomas Crewe faith, that, as we owe to the King our Duty, our Lives, and all we have, so do we our Liberties and Privileges to our Posterity. The Time being so short we have to sit, it will be lost Labour now for us to go on with Bills. Since the Bill of Monopolies is cast away, and, for aught

we hear, that also against Concealments, and all the Bills of Grace laid asleep with the Lords, he thinketh, it will not be worth our Labour to have a Seffions, which (if we might have had those Bills) he should have been glad of. It cannot but be a great Grief to us, to hear fo wife a King to doubt the Right of our Privileges, and would have us stile them a Liberty derived by the Permission of Princes; and he thinketh this doth ftir all our Hearts:-That he thinketh, the Walls of this House would speak against us, if we should fit still and leave his Majesty in Dislike of our stiling our Liberties our undoubted ancient Right and Inheritance:—That, by Magna Charta, the Liberties, Rights, and Privileges (as well as the Lands) of the Temporalty and Spirituality of the Peers, Barons, Gentry, and Commonalty of the Kingdom, are renewed, confirmed and established unto us: - That, if our Law be our Birthright and Inheritance (as all know it is) then much more are our Privileges and Liberties of Par-He would have a general Committee to consider of that which was here entered, on the like Question of our Privileges, in 1 Jac. and to compare this with it, that we may go on now, as we did then; and, this being at a Grand Committee thoroughly debated, and brought to a Head, then to appoint a felect Committee to frame what we shall think fit to be done herein.

MR. Sollicitor faith, that our Liberties and Privileges of Parliament are our Inheritance; but he would not have us stand so much on the Manner, as the Matter of his Majesty's Answer:—That we should not be so much moved herewith; since the King doth conclude, we shall freely enjoy the same. He would have us enter here, in the House, our Claim, to the Right of our Privileges, according to the ancient Parliamentary Course, and that we once more petition his Majesty; though, he saith, he is forry we are forced so often to trouble his Majesty. He

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and He Sta would have us go on with this Matter of our Privileges at the Committee; so as we neglect not to have a Sessions. It is true, we have been diverted; yet, he thinketh, we may pass such Bills, as will give the Country good Content:—That he believeth, that Invidus boc fecit: the Devil, or his Instruments, hath sowed this Diversion amongst us:—That he would have a Sessions: and saith considently, that what the King will grant and discharge, by his Pardon, will be more worth to us, than three Subsidies are to his Majesty:—That therefore he would have us go on with Bills, and with the Committee for our Pri-

vileges.

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SIR Edward Cooke protesteth, that he ever speaketh his own Conscience, but he doth not ever speak his own Things; for he, for the most Part, ever (288) speaketh by Warrant of Precedents. Omnis qualitas in principali subjecto est in summo gradu, as Lumen in fole: and so are the Privileges (which are the Laws) of the Parliament, here in the Parliament, in principali subjecto, and therefore in summo gradu: -That the Liberties and Privileges of Parliament are the Mother and Life of all Laws, and Laws are in Parliament in fummo gradu; whereas the King faith, he liketh not our stiling of our Liberties our ancient Inheritance, yet he will maintain and give us Leave to enjoy the same; which indeed striketh at the Root of all our Privileges. Consuetudo regni is the Law of the Kingdom. He thinketh, that that Part of his Majesty's Answer proceeded only by the Length of it; for it was at the End of his Anfwer that he wrote, he wished we had not stiled our Privileges our ancient Inheritance, but rather, that we had them by the Permission of our Kings, his Majesty's Predecessors. He would have us stand upon the Defence of our Privileges in this Point, and that a general Committee should debate hereof. He would have us take Account on Monday of the State of the Bills of the House, and that then we Vol. II. Zz may

may proceed therein; and that, according to a Parliamentary Course, we proceed likewise with Grievances.

SIR William Spencer would have this general Committee (appointed to consider of our Privileges) to consider particularly of one Point of the King's Letter, wherein he saith, that he taketh himself free and able to punish the Misdemeanour of any Member here in Parliament, as well sitting the Parliament as after; for that we hold it for a Liberty and special Privilege, that no Man, that hath here been cleared from saying or doing any thing that misbecometh him, should be afterwards punished for that Fault.

Mr. Noye faith, that our Liberties and Privileges are, by Magna Charta, confirmed to us, by libertates fuas; which sheweth, that they are anciently our's, and but confirmed (not originally granted) to us.

Mr. Secretary faith, that it was never in his Majesty's Mind or Opinion to question our Privileges, but it was only the Slip of a Pen in the End of a long Answer:—That he would have a Committee to consider hereof; for our Privileges ought to be dear unto us. As for that Particular of our Privileges, spoken of by Sir William Spencer, he would not have the Committee to meddle therewith; for he thinketh it will ask a great Dispute, and it will at last grow a Question between the King and us, of our Privileges therein.

MR. Glanvile faith, that the King hath not the Power of Refusal of our just Privileges, though we make our Request for his Permission of them:—That he thinketh, the King meaneth by punishing of Misdemeanours in Parliament only Matters of Treason, or such as concern the Head of a Man, for we have not Power to behead any Man; and that his Majesly intendeth not other Misdemeanours in Parliament.

IT is ordered, by Question, that a Committee of the whole House shall take into their Consideration

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all Things concerning the Privileges of this House, or any thing incident thereto, and that it shall sit on next Monday.

# Monday, December 17.

Mr. Secretary acquainteth the Committee, that he hath a Message from the King to this House.

SIR Samuel Sandes faith, that, if the House doth make a Committee and appoint the Speaker to be here, [that] that Committee may, on a Motion, order or agree that the Speaker shall go to the Chair.

THE King's Letter to Mr. Secretary Calvert.

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IGHT Trufty and Wellbeloved Counfellor, We greet you well. We are forry to hear, that, notwithstanding Our reiterated Messages to Our House of Commons, for going on in their Businesses, in Regard of the Shortness of Time betwixt this and Christmas, and of their own earnest Desire, that we should now conclude a Session by making of good and profitable Laws, they cominue to lose Time; and now of late, upon Our gracious Answer fent unto them, have taken Occasion to make more Delay, in appointing a Committee Tomorrow, to consider upon the Points of our Answer; and especially concerning that Point in it, which maketh Mention of their Privileges. Our Pleasure therefore is, that you shall, in Our Name, tell them, that we are so loth to have Time mispent, which is fo precious a Thing, in the well using whereof Our People may receive so great a Benefit, as We are thus far contented to descend from Our Royal Dignity, by explaining, at this Time, Our Meaning in Our faid Answer touching that Point; that all Our good Subjects in that House, that intend nothing but Our Honour, and the Weal of the Commonwealth, may clearly fee Our Intention. Whereas in Our faid Answer We told them, that We could

not allow of the Stile, calling it their ancient and undoubted Right and Inheritance; but could rather have wished, that they had faid, their Privileges were derived from the Grace and Permission of Our Ancestors and Us (for most of them grow from Precedents, which sheweth rather a Toleration than Inheritance); the plain Truth is, that We cannot, with Patience, endure our Subjects to use such Antimonarchical Words to Us, concerning their Liberties, except they had fubjoined, that they were granted unto them by the Grace and Favour of Our Predecessors. But, as for Our Intention herein, God knows We never meant to deny them any lawful Privileges, that ever that House enjoyed in Our Predecessors' Times, as We expected Our faid Answer should have sufficiently cleared them; neither in Justice, whatever they have undoubted Right unto, nor in Grace, whatever Our Predecessors or We have graciously permitted unto them. And therefore We made that Distinction of the most Part: for whatfoever Liberties or Privileges they enjoy by any Law or Statute shall be ever inviolably preserved by Us; and We hope, Our Posterity will imitate Our Footsteps therein. And, whatsoever Privileges they enjoy by long Custom and uncontrolled and lawful Precedents, We will likewise be as careful to preferve them, and transmit the Care thereof to Our Posterity; neither was it any Way in Our Mind to think of any particular Point, wherein We meant to disallow of their Liberties: so as, in Justice, We confess Ourself to be bound to maintain them in their Rights; and, in Grace, We are rather minded to increase than infringe any of them, if they shall to deferve at Our Hands. To end therefore as we began: Let them go on cheerfully in their Businesses, rejecting the curious Wrangling of Lawyers upon Words and Syllables; otherwife (which God forbid) the World shall see how often and how earnestly We have pressed them to go on, according

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to their Calling, with those Things that are fit to be done for the Weal of Our Crown and Kingdom; and how many various Shifts have been from Time to Time maliciously found out, to frustrate Us of Our good Purpose, and hinder them from the Performance of that Service, which they owe to Us and to Our whole Kingdom; whereof when the Country shall come to be truly informed, they will give the Authors thereof little Thanks. Given at Our Court at Royston, the 16th Day of December, 1621.

To Our Trufty and Wellbeloved Counfellor, Sir George Calvert, Knight, one of Our principal Secretaries.

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MR. Secretary faith, that it is not strange, that the Business of the House (which is so commonly spoken of abroad in the Town) doth come to his Majesty's Ear; and he thinketh, whosoever hath informed his Majesty hereof, hath done a good Office to the House. He desireth, that his Majesty's Letter may be entered here in the House; and that we may go on with Business.

It is ordered, that this last Letter from his Majesty, now read, shall be here entered in the House; and that every one that will may have Copies thereof.

SIR Edward Cooke saith, that we have now, by this last Message (as he conceiveth) an Allowance of our Privileges, which indeed are our's by Law, by Custom, by Precedent, and by Act of Parliament:

—That he thinketh, if we did set down our Privileges and Liberties, it would clear us of all those Rubs. He wisheth, that himself were a Sacrifice, so as there were a good and perfect Correspondency and right Understanding between the King and the House, as he hopeth there is:—That one Walter Clerk, being a Burgess for Chippenham in the County of Wilts, was fined for a Riot in Time of Parliament, at the King's Suit; which encouraged also

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one Robert Basset to sue the said Clerk, on an Action of Trespass; and also one John Payne sued the said Clerk to an Outlawry, and laid him up in the Fleet: but hereupon this House of Parliament would do nothing till they had their Burgels again. the King's Side faid then, that, for the King's Suit, Non omittas propter aliquam libertatem; and it was then also alleged, on the Behalf of this House, that the King calleth the Burgesses here for the Service of the Kingdom; and, if one of them may be taken from us, all may likewise by the same Right. But for this, Vid. An Act of Parliament of 39 H. 6. pro Waltero Clerk. The like Act was for John Atwill, (290) a Citizen of Exeter, that served here in Parliament as Citizen for that City.

SIR Francis Seymour faith, that there are other Points, as well as this which his Majesty hath now by his Message cleared, whereof he desireth, that we may be cleared also. One of them is Part of the Message, where his Majesty saith, he taketh himself free and able to punish any Misdemeanour in Parliament, as well fitting the Parliament as other-Another is, that his Majesty saith, he will maintain our Privileges fo long as we deferve it, and the Privileges which we have by uncontrollable Precedents enjoyed: whereas he thinketh, there are but few Precedents of our Liberties, which have not been controlled, by some of our former Kings. He defireth therefore, that a Committee may go on to settle our Privileges, and to let his Majesty see Precedents, how we have formerly enjoyed them, and our Right to them; especially concerning those Parts of our Privileges, which his Majesty hath

mentioned in his Messages and Letters.

SIR Robert Phillips faith, that he holdeth it a difcommendable Thing, for any Man to lurk under the shifting Ambiguity of equivocal Words; but all ought to speak, when, by plain Words, he feeth Cause ministered: That the King's last Letter to

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the Secretary hath not yet satisfied; and he thinketh, that there are some Things in his Majesty's Letter, that dutifully may be considered of; and he would have us now only insist on the rectifying and settling of our Privileges; for thereby shall we be able, at another Time, to go on with Businesses here the better, and with less Rubs; and also give good Satisfaction to the Country, that we have left our

Privileges and Liberties fettled.

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MR. Recorder faith, that it is a great Grace and Favour, that the King hath so much descended to give us Satisfaction, by an Explanation of himself. And he believeth, that our Privileges are now free, and is glad to hear the King say, that he taketh himself bound to maintain our Privileges and Liberties. That the King faith, we shall enjoy all our Rights and Privileges which we can claim; and that, of Grace, he will add to it, if we shall deserve it. He would not have our Privileges brought into Writing; for then, if we leave out any thing, we exclude ourselves from the rest; for the King will say, if we had any more Privileges, we would have claimed and expressed it in that Writing. He would have a Protestation entered here for the better Satisfaction and fettling of our Privileges. He would have us go on with Bills for the Good of the Commonwealth, and that thereby we may unite and knit the Affections of the King and his People.

SIR Nath. Rich would have those Privileges (which we conceive have been touched, and seem to have been infringed, during this Parliament) to be set down, that we may shew what Right we have to them, and how we think they have been impeached, and to strengthen them by Precedents or otherwise; and for this would have a Committee appointed.

SIR George Moore thinketh, the King hath given us good Satisfaction for our Privileges. And, fince we have had so many Adjournments, and yet no Bills have been passed, he would have us enter here

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our Protestation for our Privileges, and then go on

with Bills, for the Conclusion of a Sessions.

SIR Edward Cecil would have us go on with the Bills and Business of the House (not that he thinketh it is possible to have a Sessions) if it be but to shew our Thankfulness to his Majesty for his gracious Message; but would principally have us appoint a Committee to consider of our Privileges. He is glad to see by a Precedent (which was even now shewed by Sir Edward Cooke) that it hath been an ancient Use, that, on Discontent, the House hath used to be silent, and it is now no new Thing.

MR. Thomas Crewe faith, that we have now more Need of a Committee to consider of our Privileges, than we had before; for, on so great a Matter, he would not have us conclude any thing, till a Committee hath considered of it. It may be, that some make themselves Music with our Discord, and therefore he would have us do our best to establish a Concord. He would have it entered here in the House, that our Privileges are our undoubted Right and Inheritance, and this to be done by Protestation. He would have a general Committee appointed to clear us of those Things we are charged by his Majesty's last Letter to Mr. Secretary; wherein we are faid to use antimonarchical Words, and curious Shifts, ma-(291) liciously found out, &c. and this, he thinketh, will further the Business of the House.

SIR Dudley Digs would not have us to stick on the particular Words of his Majesty's Letter; for that were to make the Sovereignty of the King, and the Privileges and Duty of the Subject to strike against each other; which we ought by all Means to avoid. He would have us (as Sir Edward Cecil said) by our Actions, in going on with Business, give his Majesty Thanks for his coming so near to us, by this his last Letter, wherein he doth so graciously explain himself: and would have a select, but not a general Committee to go on with the Consideration.

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ration of our Privileges; but would also have us go on with Bills and with Business.

MR. Chancellor of the Dutchy protesteth, that the King's Heart is righted to us (he saith, he speaketh what he knoweth, coming lately from the King) and that it is now in the Power of us to make this

the happiest Parliament that ever was.

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Mr. Glanvile faith, that this last Letter to the Secretary is a very gracious Letter, but withal it is a very wise and a very wary Letter. He would have a Declaration made here in the House, that we have, and ought to enjoy, these Particulars (and so name in the Declaration those of our Privileges, which have been laboured this Parliament to have been impeached) and also to claim all our other Privileges and Liberties whatsoever in general Words.

Mr. Secretary faith, that he thinketh, that the King's Command for our going on with Bills, was no ways restrictive, but that we should go on with Bills amongst other Businesses, and that this Command was not any Infringement of our Privileges.

MR. Sollicitor faith, that we, in our Petition, defired the King favourably to interpret our Words and Petition; and he thinketh it fit, we should lay a Law on ourselves, not to take Exceptions at the Words in his Majesty's Letter. He would have us, at a Committee, recollect all those Things, which were the Occasions of our Stop, and the Reasons why we stopped on them; and then to set down, that, having received his Majesty's last Letter, we are cleared thereof; and so to go on with other Business of the House.

SERJEANT Ashley would have here entered a Protestation for our Privileges, as the House did in 1 Jac. and so to go on with Bills and other Business of the House, since the King hath so well explained himself.

MR. Hackwell faith, that the Privileges of the House are the Steps that bring us up hither; and here

here are our Grievances to be heard, and here to be relieved: - That it will be ill News when the Country shall hear that we have lost the Privileges of this House. He saith, that the Privileges of this House are called the Custom of the Commons of this House, and the Custom of England:—That the Privileges which we claim (especially that for Freedom of Speech) are the very Essence of a Parliament. There is a Statute 2 H. 5. numero 11. wherein it is written, that the Privileges of this House are the Inheritance of the Subject:—That, till I H. 4. the Commons did not make any Protestation, by their Speaker, for their Privileges. And it was after disliked, that any fuch Protestation was made, and so left off till 27 Eliz. when fuch a Protestation, by Way of Petition, for our Enjoyment of our Liberties and Privileges, and for Freedom of Speech, began again to be used by the Speaker of this House. But he would not have this House henceforth to use any fuch Protestation, at the Beginning of the Parliament, but have it left out, for we see the Inconveniences that follow it; for that makes the King conceive, we hold it by the Grace and Permission of Princes, and not as our Inheritance. He doubteth, whether the Precedent of the Protestation (made here in the House) for our Privileges, in 1 7ac. be entered or no, and therefore he would have the Committee consider of it.

SIR William Stroude would have us fend those of the Council, to desire the King that we may be adjourned till after the Holidays, and that then we may meet again (as soon as it pleaseth his Majesty) after Christmas; for it is now impossible to have a Sessions before Christmas.

SIR Edward Cooke would have us make a Protestation for our Privileges:—That he can tell us when both Houses did sit in Parliament together, both the Lords and the Commons:—That the Demand of the Privileges of this House, by the Speaker, (292)

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was after they began to be questioned: and, at first, when the Demand of the Privileges was made to the Kings of this Realm, it used to be done still at the first Meeting of the Parliament; and in this Manner, that, if the House might not have their Privileges and Liberties, they would sit silent. He would have us make our Protestation for our Privileges, and then send the same to the King, that he may see it.

It is ordered, by Question, that a Committee of the whole House shall consider of all the Matters and Things concerning the Privileges and Liberties of the House, and all Things incident thereunto;

shall sit Tomorrow Morning.

SIR Thomas Wentworth would have the House fall again into a Parliamentary Course, to avoid all Scandals and Imputations of Sullenness laid on the House: and, to that End, would have the Committee for Grievances to sit this Afternoon, and the Committee for our Privileges not to sit till Tomorrow Morning.

IT is ordered, by Question, that the Committee

of Grievances shall sit this Afternoon.

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It is ordered, that the Message delivered here, by Mr. Secretary, from the King, for Liberty of Speech, and all Matters incident thereunto, shall be brought to the Committee, appointed to sit for Privileges, Tomorrow Morning.

# Monday, December 17. Afternoon.

#### COMMITTEE.

SIR Edward Cooke saith, that the House did condemn here, at the last Meeting, Nineteen several Patents, for Grievances, both in Creation and Execution; and that his Majesty since, by his Proclamation, hath decried Thirteen of those Patents; so as there remain still Six Patents of those Nineteen, which are yet undecried: viz. 1. The Patent for the sole

fole bringing in of Lobsters and Salmon. 2. That of the Glasses. 3. The Patent of Dungeon Ness. 4. The Patent of Winterton Ness. 5. The Patent for the drawing of Bills of pleading in the City of York, granted to Lepton. 6. The Patent for the sole engrossing of Wills and Inventories, granted to Sir Robert Flood. He would have us go on, in a Parliamentary Course, to condemn both those Thirteen decried Patents, and also those Six last mentioned Patents; which (as he is informed, not being decried, as the other are) are put and kept in Execution by the Patentees, notwithstanding they stand here condemned.

SIR Robert Phillips saith, that, if the Brewers do petition the House for their Enlargement, then, he thinketh, their Enlargement would be worthy the Consideration of the House. But he would not have this Committee to take into their Consideration a Business of so great Weight as their's is (it being a Question of the Prerogative of the King, and the Liberty of the Subject) considering the short Time we are to be here, and how Businesses stand in the House at this Time.

THE Petition of the Merchants of the Staple, be-

ing in Number 120.

Complaining, that they paid and put in Sureties for the Payment of 100 l. apiece to Sir Richard Lidall and other Patentees of the Staple; and 11 l. apiece to the Body of that Company, for to be made free of the said Company; and now, understanding that the said Patent is here condemned and overthrown, as being a Grievance, they desire, that there may be a Restitution made them of the Money, which they have thus paid, and of the Bonds which they gave for the Payment of the Residue of their 111 l. apiece,

MR. Mallet faith, that he thinketh, fince we have called in the Patent of the Staplers, and here condemned it, that we may also order the Patentees

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(293) I I ha to bring in hither the Bonds which they have taken for fuch Money: but he thinketh, we cannot cause the Money to be redelivered.

MR. Pymme saith, that we may order the Restitution of Money which hath been unjustly taken from them.

John Trant, a Complainant, examined faith, that he was brought up from Cirencester to London by a Pursuivant; and that, coming before Sir Richard Lidall, he asked this Examinant's Name; which when he told him was Trant, Sir Richard told him, he would Trant him; and that, if he did return again into the Country, and not come in and pay (293) 111 l. that he would send a Pursuivant for him, and

have him brought up at a Horse's Tail.

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Thomas Brooke examined faith, that he was arrested in Worcester, by one Owen, a Pursuivant, by a Process of Subpæna; and he could not be released, till he had paid 30 s. for the Pursuivant's Fees, and given Bond of 100 l. to appear in the Star Chamber; which Bond he hath not yet up, though he hath paid 80 l. and above, to the said Sir Richard Lidall and to the Company.

Thomas Browne examined faith, that one Simpson, a Pursuivant, did arrest him and kept him one Night in Arrest, and threatened to draw him to London at a Horse's Tail. The next Day, his Uncle (whose Servant he was) hearing of this, went to London,

and there paid Sir Richard Lidall 1111.

DIVERS other several poor Men did now witness, that they, by threatening and other hard Measure of being arrested by Pursuivants, and drawn to London, where they were threatened, by Sir Richard Lidall and one Molde, with Imprisonment and undoing of them, if they would not pay 111 l. apiece to the said Patentees and to that Company, were forced to pay the said 111 l. or give Bond for it.

ONE [ . . . ] Wilson examined faith, that this Course, held by the Patentees, against these and divers

divers other poor Men, hath abated 2 s. on the Tod on the Price of Wool, fince the Patent was granted.

THE Patentees and Company of the Staple did minister an Oath to every one that was admitted into it, to keep secret the Counsel of that Company, and to be justifiable, and ordered by the Mayor and that Company.

EVERY one that was admitted into that Company did pay, besides the 100 l. to the Patentees, 10 l. to the Company, and 20 s. for Fees, and also 20 s. per Annum; which 20 s. per Annum was for the Good of that Company, and the relieving of such of that

Company, as should be decayed.

Sir Thomas Wentworth would have these Men's Examinations to be taken under their Hands, by Mr. Ratcheif, who is of their Council; and that we, having acquainted the House therewith, should present the same to the Lords, for as great a Grievance as any that hath been here yet: and, in the mean Time, that Sir Richard Lidall and Molde may be here, to answer this Business; or else give Bond to appear here de die in diem.

It is refolved, that this Business shall be reported to the House Tomorrow: and also the Brewers' Petition for Deliverance out of Prison, on Bail.

### Tuesday, December 18.

THE Speaker faith, he hath received a Letter from the King.

WHEREUPON the House commanded him to

read it.

JA. Rex.

Master Speaker,

WHEREAS, at the humble Suit of Our House of Commons, We condescended to make this Meeting a Sessions before Christmas, to which Purpose We gave them Time until Saturday next,

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next, in Case they would seriously apply themselves to that End; and likewise since, out of our Grace, and to take away all Mistakings, by Our Letters directed to Our Secretary, We were pleafed fo fully and clearly to explain Ourfelf, in the Point of maintaining all lawful Privileges to Our faid House, which fince We cannot hear hath had the wished Effect, in making them fpend this short Time in preparing Things most necessary for a Sessions; We have thought good once more clearly, by this, to impart our Mind unto them; which is, that, in Respect of the Expectation, after this so long a Meeting in Parliament, as also, that the Generality, for the most Part, rather judge Things by the outward Effects, than enter into the Causes of them, We have an earnest Desire to make this a Sessions, to the End that Our good and loving Subjects may have some Taste, as well of Our Grace and Goodness towards them, by Our Free Pardon, and good Laws to be passed; as they have had, both by the great and unusual Example of Justice, fince this Meeting, and the fo many Eases and Comforts given unto them by Proclamation. And therefore, calling to Mind, that the passing of the Subsidy, an Act for Continuance of Statutes, and the Pardon, are the three most pressing Businesses, to be effected before the End of the Sessions, We wish them, that, as we have given Order for the Pardon to go on, with all (204) Expedition, fo they presently go in hand with the Act for Continuance of Statutes. As for the Subfidy, though Time presseth much, yet, if they find it may not now conveniently be done, We will not make that any Way an Impediment to the Good, which We defire Our People should feel by making this a Session. Thus much We thought good to give them to understand; and withal to affure them, that, if they shall not apply themselves instantly to prepare the aforesaid Things, for our Royal Assent, against Saturday next, We will, without expecting

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day xt, any farther Answer from them, construe, by their Slackness, that they desire not a Sessions; and in such Case We must give a larger Time, for their returning homeward, to such of both Houses, as are to go into their Countries, to keep Hospitality among their Neighbours in this Time of Recess. Given at our Court at Theobald's, the 17th Day of December, 1621.

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To our Trusty and Wellbeloved Sir Tho. Richardson, Knt, Speaker of Our Commons' House of Parliament.

MR. Weston saith, that this is a most gracious Letter, whereby his Majesty desireth a Sessions, and relinquisheth his own Prosit, so there may be a Sessions:—That the Pardon will do as much Good after Christmas, if this may be an Adjournment. He thinketh it impossible to prepare the Bill of Continuance against Saturday. He would therefore have us petition the King, that this may be an Adjournment, and no Sessions; and to set down the Reassons of our Delay, and not proceeding with Bills.

SIR Rob. Phillips would have us remember where we flood Yesterday, and what we appointed concerning our Privileges; and, if we then thought a Committee sit to consider of our Privileges, he would have it now stand, and that that Committee may consider of Our Privileges accordingly, and also of this Letter from his Majesty; that we may express with Joy our humble Thankfulness to his Majesty, for his gracious Letter, and our Duty to the Country for which we serve, by providing for our Privileges.

MR. Sollicitor offereth a short Bill for to continue all the Statutes that depend on Continuances; because the Bill of Continuance and Repeal of Statutes may, peradventure, ask too long a Debate for so short a Time. And he saith, the Pardon is also ready.

ready. He faith, he thought it his Duty to acquaint the House with thus much, that it may confider thereof, and do, as in their Wisdom shall be thought most fit.

THE House doth resolve, that this is a gracious Letter, and that we hold it fit to give his Majesty

Thanks for it, by one from the House.

MR. Thomas Grewe saith, that this Letter is full of Oil, and non est dignus datis, qui non est gratus dandis. He thinketh it will be good husbanding of our Time, against our next Meeting, if we now, by a Committee, settle our Privileges: then we may go on, without Interruption, with the Bills which are here:

—That we cannot possibly pass the Bill of Continuance of Statutes, in Three Days; for it will ask a Day's Labour for two good Scriveners to engross it, and it will ask here some Debate before it pass. He would have us go on with the Committee for our

Privileges.

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Mr. Noye faith, it is impossible, that we should prepare, in fo fhort Time, the Bill of Continuance. He faith, that there are many Things granted away by Patents and Leases by the King, which his Majesty, in his Pardon, doth mention to pardon: but, being granted away before, they are not pardoned by the general Pardon; and therefore he would have us (before the Pardon come here) appoint a Committee, to fee what is granted away, that was used to be pardoned, and that we may let his Majesty see how his Grace is forestalled by such Patentees. He would have a Committee to consider of our Privileges, and of our Thanks to his Majesty for his gracious Letter, and to fet down therein the Reasons, why we do not, or rather cannot, proceed for a Seffions.

It is ordered, that the former Committee of the whole House, appointed to consider of the Privileges of the House, shall also consider of the best Course to give his Majesty Thanks for his gracious Letter,

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and Satisfaction that we cannot go on with Bufirieffes for a Seffions, at this Time. daw should add

MR. Speaker, by Order, went out of the Chair. and the House sat as a Committee, Serjeant Appley

being placed in the Chair, and shot and and

SIR Rob. Phillips would have our humble Thanks to his Majesty to have Place before that of our Privileges; and that a select Committee should consider of it, so as we may end it against Tomorrow He thinketh it will be good hutbanding of grinroM.

MR: Glanvile would have our humble Thanks to his Majefty, and our prefenting to him the Reasons, that we could not make a Sessions, finished Tonight and fent away; left we give Opportunity to the Ad-(295) versaries of this House, to suggest to his Majesty, fome Milinformation or Milinterpretation of the Reasons of our not proceeding for a Sessions, according to his Majefty's Letter. Og at oved bluow

SIR Edward Cooke would have our Answer to the King's Letter to confift of two Points: 1. Of our humble Thanks to his Majesty for his gracious Letter: 2. To protest our Loyalty and dutiful Affection to his Majesty: but would not have us touch any thing on Milinformation or Milinterpretation.

A SELECT Committee of four is accordingly appointed to go prefently, to draw up this our Answer to the Kingls Letter, with all Expedition; and are to confider of the two Points, whereof Sir Edward Cooke spake, and to fet down some Reasons, why we go not forward with Bufiness for a Sessions.

THE rest of the Grand Committee goeth on, in the mean Time, with the Debate of our Privileges.

SIR Robert Phillips faith, that, if our Persons be not fafe after Parliament, but that we are committed for what we say in Parliament, we are not then in Safety here, neither shall we speak freely our Minds:—That, if (as it hath been here vouched) our Privileges are our Birthright and Inheritance, then is his Majesty bound to let us enjoy them, as

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we are bound to his Majesty:-That his Majesty faid, that there is a Difference between an absolute King, and a politic King, as himself is: and his Majesty taketh an Oath, at his Coronation, to maintain our Privileges; and then his Majefty faid, he was bound to maintain our Privileges. We are to be the more cateful of our Liberties, because they are easily lost, difficult to be kept, and almost impossible to be recovered. He would have us view all the King's Letters and Messages, whereby we conceive our Liberties have been impeached and also to fearch out Precedents, to fee, what hath been done in the like Cafes. He would have us fet down both Precedents, and the Reasons of those Privileges, which we conceive to have been violated or impeached; and would have us take fome Course to demonstrate the fame to the King, by Petition or otherwise; and that afterwards we make, and enter here our Protestation, both for those Privileges, and all the rest of our Privileges of exhault to rowing

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MR. Nove would have us refort to the Precedent of 1 Jac. which was made on a like Impeachment of our Liberties; and, if that be a Remedy well enough done, then he would have us do the same again in this Case; but, if it be not well done, that then we strengthen our's, wherein the other was defective. He saith, that long arguing argues a Doubt, and we are out of Doubt of the Right of our Privileges; and therefore would have us go on briefly to recollect what we think hath been impeached, and then apply our Remedies.

MR. Mallet saith, that by the same Reason, that the King doth command us to go on with Bills, by the same Reason may he command us not to go on with Bills:—That the King may punish any capital Misdemeanours in Parliament; but not other inferior Misdemeanours, which are punishable by the Parliament:—The King may sue any privileged Man in any of his Majesty's Courts, notwithstanding

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his Privilege; but it is otherwife, if his Majesty sue a Member of the Parliament, in Time of Parliament; for it is the Privilege of this House first to censure Offenders here, if the Offence be not capital.

at this Time, of the Right and Privilege which the House hath, to debate of Matter of War, and the Marriage of the Prince; because we did, in our former Petition, decline the further meddling therein; but would have us stand on it that our Privileges are our Right and Inheritance, and that it is at our Election, to go on with Bills or other Businesses.

MR. Wentworth saith, that he never yet read of any thing that was not fit for the Consideration of a Parliament; and, if there be a negative Bound, or Ne plus ultra set in any Matter of Parliament, then he wisheth it may be known, that we may know our

Bounds.

THE Select Committee, appointed to draw the Answer of Thanks to the King, doth bring the same to this Grand Committee, which is in bec verba:

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May it please your Most Excellent Majesty,

W E, your most loyal and humble Subjects, the Knights, Citizens and Burgesses of your Commons' House of Parliament, having this Morning, to our great Comfort, heard your Majesty's Letter, fent to our Speaker, full of Grace and Goodness to us and all your People, have thought it our Duty, forthwith, to return our most humble and hearty Thanks to your facred Majesty, for so royal a Favour vouchsafed unto us. And we do humbly befeech your Majesty to be truly informed (296) from us, that, although we have been very defirous, in our Duty to your Majesty, who called us to this Service, and to our Country, for whom we ferve, to have some good Laws now to have been passed; and that there might have been a Sessions before Christmas, to which your Majesty, upon our humble Petition,

tition, was graciously pleased to give Way; yet, entering now into a ferious Confideration of the Nature of those Things, which must of Necessity be prepared for the finishing of a Sessions, and the Strait of Time, whereunto we are driven by some unhappy Diversions, which have fallen upon us, to our great Grief; we are enforced once again to fly to your Majesty's Grace and Favour, humbly fubmitting ourselves to your royal Wisdom, what Time will be fittest for our Departure, and for our Reaccess, to perfect those Beginnings, which are in Preparation with us; which Time, by God's Grace, we refolve to fpend with that Diligence and Care, as shall give good Satisfaction to your Majesty, to our Country, and to our own Consciences, that we shall make good Use thereof.

This Answer, or Petition of Thanks, and Excuse, is reported to the House, the Speaker being in the Chair; and, by Question, there ordered to be engrossed, and presently to be sent to his Majesty to Theobald's, this Afternoon, by Sir Humpbry May, Chancellor of the Dutchy, Sir George Goring, Sir Henry Milmay, and Mr. Jo. Murray.

HERE again, the Speaker going out of the Chair, the Grand Committee falleth into Debate of the Pri-

vileges of the House.

MR. Alford would have a felect Committee appointed to confider of the Points of such of our Privileges, as are impeached, and to draw a Protestation for the same Privileges, in particular, and also

of all the rest, in general.

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MR. Thomas Crewe saith, that, though the calling of a Parliament, and the continuing, Prorogation and dissolving of it be in the King's sole Power, yet, when we are called, we are, without Limitation, to deal in what Business ourselves think best; for otherwise shall we not be able to do their Business, for whom we come hither, which is that of A a a 3

the Country. He would not have this Committee to inful fo much on Particulars, as on the Generality

of our Privileges. from abide spanial block to stur

SIR Edward Cooke would not have us here, at this Time, in the handling and debating of our Privileges, to meddle with War or Marriage; and would have a Sub-committee appointed for this: and this Sub-committee shall consider of all those Matters, which are mentioned in the Writ of Parliament, and also of our Liberty of Speech, and of our Power to punish those that speak too lavishly; and of our Power to meddle and debate of what we shall, of ourselves, think sit.

THE Heads to be confidered of by the Sub-com-

mittee for Privileges. awa and or bas Arbanol and

1. Concerning Freedom of Speech; and therein to treat de arduis et urgentibus negotiis regni, according to the Writ of Summons, whether it be con-

cerning the King, or otherwife. of borneder at .alico

2. Touching the Liberty of this House to punish the Misdemeanours of any Parliament Man in Parliament, for Things whereof this House hath Cognisance, whether he ought not to be censured here by the House only.

3. WHETHER, when we receive Commandment from the King, the House shall thereon desist, and not proceed, notwithstanding such Command, in any

Bufiness. wood from a such bloom havite .a.M.

4. WHETHER our Privileges be not our Right and Inheritance.

5. THAT the Sub-committee shall consider of any thing else, incident to the Liberty of the House.

6. That the Sub-committee shall consider, whether it be not fit for us, to make an Expression here in the House, that it is an ancient Privilege of Parliament, that no Member of this House shall presume to acquaint the King with any Business in Debate here, but by Order from the whole House, or from the Speaker.

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(297) Tr is ordered, at this Grand Committee, that a Sub-committee shall reduce all these Heads, which have been propounded, into the Form of a Protestation; and that they shall render an Account, and their Reasons of such Things, as they shall think, not fit to be reduced into a Protestation; and the Sub-committee is appointed accordingly, and is to fit this Afternoon in the Committee Chamber.

THE Speaker being in the Chair.

IT is ordered, that the Speaker shall attend here, at Four of the Clock, this Afternoon; that, the Subcommittee having drawn the foresaid Heads into, the Form of a Protestation, and made a Report thereof to the Grand Committee, the House may (if Occasion be) confirm the Protestation; because otherwife it may be, the King will command the House to be adjourned, before such Protestation be made in the House, and so may we endanger the Validity of our Privileges and Liberties, in those Points, wherein they have feemed to be impeached at this our Meeting; viz. in those Heads before ordered to be considered of by the Sub-committee.

IT is ordered, that Sir Robert Phillips shall have Notice to prepare his Notes and Examinations, taken concerning Gouldsmith's and Lepton's Conspiracy against Sir Edward Cooke; and that Gouldsmith shall be brought hither Tomorrow, to be censured by the House, for conspiring against a Member of the House, in belombits anomino I sat it to see by bas

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# Tuesday, December 18.

THE Sub-committee bring the Draught of a Protestation to the Grand Committee, which containeth as followeth: 101 before or a so find north fores

Book of the House, and there to rema HE Commons, now affembled in Parliament, being juftly occasioned thereunto, concerning fundry Liberties, Franchifes and Privileges of Parliament.

liament, amongst others not herein mentioned, do

make this Protestation following:

THAT the Liberties, Franchises, Privileges and Jurisdictions of Parliament, are the ancient and undoubted Birthright and Inheritance of the Subjects of England; and that the arduous and urgent Affairs concerning the King, State, and the Defence of the Realm, and of the Church of England, and the making and Maintenance of Laws, and Redress of Mischiefs and Grievances, which daily happen within this Realm, are proper Subjects and Matter of Counsel and Debate in Parliament: and that in the handling and proceeding of those Businesses every Member of the House hath, and of Right ought to have Freedom of Speech, to propound, treat, reason and bring to Conclusion the same:—That the Commons in Parliament have like Liberty and Freedom to treat of those Matters, in such Order, as in their Judgments shall seem fittest: and that every fuch Member of the faid House hath like Freedom from all Impeachment, Imprisonment and Molestation (other than by the Censure of the House itself) for, or concerning any Bill, speaking, reasoning or declaring of any Matter or Matters, touching the Parliament or Parliament Business; and that, if any of the faid Members be complained of, and questioned for any thing said or done in Parliament, the same is to be shewed to the King, by the Advice and Affent of all the Commons affembled in Parliament, before the King give Credence to any private Information.

THE Speaker being in the Chair.

It is ordered, by Question in the House, that this Protestation shall be here entered forthwith in the Book of the House, and there to remain, as of Record.

House, between Five and Six of the Clock at Night, by Candle-light,

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MR. Glanvile, a Lawyer, moveth, that Sir Edward Cooke may be ordered to make a Report from the Committee of Grievances, of the State of the Grievances here complained of, that the Town may take Notice, that we are again proceeding with Bufinesses.

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# Wednesday, December 18.

MR. Chancellor of the Dutchy reporteth, in Anfwer to the Petition of Thanks and Excuse, which we Yesterday sent by him and others to his Majesty, That he and the rest of our Messengers Yesterday attended the King, according to the Command of (298) this House, and had shortly after their coming to the Court Access to his Majesty, and that the King's Answer to our Petition was as followeth:

THAT he was forry that this could not be made a Session, according to the Desire of this House, expressed in our late Petition preferred to his Majesty, to which he had most willingly affented:-That the House knew there was no Fault in his Majesty, who, observing the needless Impediments, upon which we took Occasion to stay our Proceedings, had often admonished us not to lose Time; first, by Mr. Secretary Calvert, and afterwards by three fundry Letters and Answers. But, fince the House conceived the Straitness of Time (which ourselves had drawn upon us) was fuch, as it would permit nothing to be done at this Time, his Majesty said, he had given Order, to adjourn the Parliament, till the 8th of February next, which was the first Day his Majesty had formerly appointed for our meeting together. His Majesty likewise said, that he could not omit to tell us, that he expected other Thanks from the House, than we sent him, at this Time; namely, for his gracious Promises, to be as careful to maintain our Privileges, as his Majesty's own Sovereign Prerogative; first contained in his Answer to our Petition, and afterwards as clearly explained

and enlarged by his Majesty's next Letter to Mr. Secretary Calvert, as his Wit, for our Safety, Satisfaction and Advantage could possibly devise.

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Mr. Chancellor of the Dutchy added withal, that the King feemed well pleased, and said, that our Petition was a mannerly and well penned Petition.

SIR James Parrett would have a Committee appointed to make Inquisition of what Money is in Arrearages for the Contribution to the King and Queen of Bohemia, and to take the Contribution of such, as of themselves will freely give more Contribution towards the Maintenance of those Princes distressed.

Mr. Secretary faith, that the Lords of the Council (and particularly the now Lord Treasurer) have already given Order herein. And thereupon there

was no Order here made concerning it.

It is ordered, that Gouldsmith shall be bailed till the next Access, and that Lepton shall be here at the next Access, and so both of them to attend de die in diem: and that Mr. Secretary shall desire the King, from the House, that Lepton's Patent may not be executed.

MR. Glanvile would not have us desire the King to hinder the Execution of Lepton's Patent; lest that may hereafter deprive us of our Privilege to hinder the Execution of a Patent: but would, that Mr. Secretary should, as from himself, acquaint the King with the Sense of the House, and that the House thinks it not sit that that Patent should be executed.

HEREUPON, and on further Debate hereof, the precedent Order is altered, and it is ordered, that Mr. Secretary (taking Notice of the Inclination of the House) shall move the King, as from himself, to sufpend the Execution of Lepton's Patent.

SIR Robert Phillips moveth, that Dr. Lambe and Dr. Craddock should be here ordered to be here the 8th of February next, and so to attend here de die in diem.

MR. Mallet faith, that in 8 Hen. 6. it is expreffed, that the Clerks of the Convocation House shall have the like Liberty as the Lords of the Upper House.

It is ordered, that the House, at our next Meeting, shall proceed with the Business against Dr. Lambe and Dr. Craddock, and that, if they will, they may come to defend the same; if not, that we will proceed in it, to make it ready and send it up to the Lords.

It is ordered, that Sir John Boucher and Sir Ferdinando Gorge, two of the Patentees for the sole Fishing at New England, shall both of them attend here the 8th of February, and bring with them their Patent, for the sole Fishing at New England.

SIR Edward Cooke maketh Report of the Business against the Patent of the Staplers, as it was debated here at the Committee, 17 Dec. [Vide fol. 292 & 293.

Upon this Report, it is ordered by the House, that Sir Richard Lidall and Molde, Patentees of the Staplers, shall appear here at the next Access, and shall then bring in the Bonds taken of the Clothiers for this Business.

It is ordered, that Mr. Treasurer shall (as of himfelf taking Notice of the Inclination of the House) (299) acquaint the King with our Desire, that the Execution of the Patent of Glasses may be suspended till our next Access.

Hands shall be brought in and delivered to the Clerk, and that he shall set them in Order against our next Meeting, that then we may go on with them the better, at our next Access.

The Petition of Eleazar Jackson, a Minister and Preacher of Abergavenny, in the County of Monmouth, complaining, that he was assaulted by convicted Recusants, in his own Chamber, and had much ado to escape from them with his Life:—That he hath been so vexed by divers of their Attempts and Practice, as it hath forced him to leave his Benefice:—That two convicted Recusants came one Time into his Cham-

ber, and there affaulted him, and made him swear on the Bible, that he should never preach more at his Parish Church.

It is ordered, that Mr. Treasurer shall, from the House, deliver a Copy of this Petition to the King, and desire his Majesty to be pleased to give some Re-

medy herein.

MR. Justice Winch and Justice Jones bring, from the Lords, his Majesty's Commission to adjourn the Parliament till the 8th of February; and they signify, that the Lords have, according to that Commission, adjourned their House.

OUR Answer is, that the House taketh Notice of his Majesty's Commission, and is resolved to adjourn itself till the 8th of February next; not naming, when

we will adjourn our House.

Mr. Afford moveth, that some of the Members of the House may be ordered to take View of the Clerk's Book, during this Cessation; which is according to the ancient Course of Parliament.

Mr. Speaker moveth, that the Clerk's Book might remain with him, to be so viewed, that he may the better inform himself of the Business of the House.

It is ordered that a Committee of about Eight of the Members of this House shall meet at the Speaker's House sometimes, during this Cessation, to view the Clerk's Book; but the Clerk is to keep the same. And that those of the Committee, or any Four of them, may sit to peruse the same accordingly. The Committee is to begin to meet, as aforesaid, Tomorrow, at Ten of the Clock in the Morning, at the Speaker's House, and so to adjourn itself as it shall think sit.

THE Speaker (being thereto commanded by the House) saith, that this House doth adjourn itself from this Day, till the Eighth of February next, then to meet here again, in this Place.

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APREM DIX.

termal with all a train paincies of training Francisco

Variations which are observable in the several Variations which are observable in the several Copies of this Speech. Rushworth has given a mere Abstract of it, and not an exact one. The following agrees nearly, but not entirely, with that in Franklin's Annals. A more perfect, and probably the true, Copy is preserved among the Harleian Manuscripts No. 6799; and in the 21st Volume of Mr. Petyt's Parliamentary Collections in the Library of the Inner Temple. The Varieties are too numerous, and too immaterial to be set down here.

P. 16. That—Sir Edwin Sandys may be fent for] This Gentleman came to the House the next Day and made a formal Request, that he might be permitted to give up his Seat in Parliament; foreseeing, probably, that his doing his Duty there would subject him to those Hardships which he afterwards experienced. The Affair is thus related in some Minutes MSS. Harl, of the Transactions of this Parliament, which appear No. 1058. to have been drawn up by Sir Charles Howard, Mem-

ber for Windsor.

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"STR Edwin Sandys, standing by Sir Rob. Phillips to desire the House, that he might be heard to
make his Apology to be excused from being of the
House, and to hear his Excuse before he should
be sworn, was answered, that it was against the
Order of the House; and was made to be sworn
first, and then admitted to make his Excuses:
but the House would not rest satisfied with them,
but made him to be of the House. He was orderly returned, but of himself desired to be excused."

This explains the following Entry in the Journal of that Day. "Sir Edw. Sandys to be sworn and

" come into the House."

P. 47. A Message from the King concerning Freedom of Speech, set down in Writing, by Order of the House. It is odd that the Compiler should omit to copy this Message upon so important a Point; and in the Journal there is only a Minute of such a Mesfage being delivered in Writing, and that it was to be entered. In the above mentioned Manuscript in the Inner Temple Library, it is said, that " the Words " in Effect were these. That his Majesty did grant " Liberty and Freedom of Speech in as ample "Manner as ever any of his Predecessors ever did; " and, if any should speak undutifully (as he hoped " none would) he doubted not but we ourselves " would be more forward to punish it, than he to re-" quire it. And he willed us to rest satisfied with " this, rather than to trouble him with any Petition " or Message, and so cast ourselves upon one of "these Rocks; that, if we asked for too little, we " should wrong ourselves; if too much or more " than right, he should be forced to deny us, which " he would be very loath to do."

P. 59. The Transactions of this Week, during the Clerk's Illness, are not entered in the Journal of

the House.

P. 370. Debate concerning Floid.] Among the Harleian Manuscripts there is a Collection of the Proceedings in this remarkable Case, by Sir Harbattle Grimston. The MS. appears to have belonged to Robert Harley, afterwards Lord Treasurer and Earl of Oxford; who, in the first Page, has written his Censure of these Proceedings, as follows.

MSS. Harl. No. 6274. At the Top of the Title.

The following Collection is an Instance bow far a Zeal against Popery and for one Branch of the Royal Family, which was supposed to be neglected by King James, and

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consequently in Opposition to bim, will carry People against common Justice and Humanity.

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#### that upon him, every one being free there, and it med in his mottom adt the Bottom. and in one

For the Honour of Englishmen and indeed of Human Nature, it were to be boped, thefe Debates were not truly taken, there being fo many Motions contrary to the Laws of the Land, the Laws of Parliament, and public of uffices or vine I saw radion of . sawen.

Confulration to fugh had; yet he had en-

-yes Muly 14,04702. IT had you to Ro. HARLEY.

Vol. II. P. 182 After the last Sitting Sir Edwin Sandy's was committed to the Custody of the Sheriff of London. The two Houses adjourned on the 4th of June, and on the 16th (fays Cambden in his Annals) "The Earl of Southempton is delivered up to fafe " Custody to the Dean of Westminster. Likewise " Je. Selden and Sir Edwin Sandys are committed to " the Sheriff of London." On the 15th of the next Month, the fame Authority fays, "the Earl of Ox-" ford is fent into Custody for his prattling." The Grounds of Displeasure, or Jealousy, upon which the Court proceeded in committing these four, will appear in Part from the following Minutes of their feveral Examinations, which are preserved in the British Museum, in a Sheet of Paper, endorfed, " The " Earl of Southampton's Examination, touching some "Proceedings in the Parliament."

THE Earl of Southampton's Examination the first MSS. Harls Day [ .... July.

WHETHER his own Conscience did not accuse him of Unfaithfulness to the King in the latter Part of the Parliament; which his Majesty had Cause to doubt, as well by his own Carriage in the Upper House (though that should not be objected to him) as by that in the Lower House of some very near him.

Answer. He protested his Conscience was free, and neither did nor could accuse him of any such Thing.

Thing. And, for the Carriage of any in the Lower House, how near soever to him, though it displeased his Majesty, he knew he was so just, as [not] to lay that upon him, every one being free there, and it not being in his Power to direct or hinder them.

2. WHETHER he was not Party to a Practice in the Time of the Cessation at Easter, to hinder the King's Ends at the next Meeting; and whether there were not Meetings and Consultations to that Intent.

Answer. He neither was Party to any such Practice, nor knew of any such Thing, nor of any Meeting or Consultation to such End; yet he had enquired of it, because he heard before the End of the Parliament, that some such Thing was conceived to have been in that Time; but he found nothing.

3. WHETHER in the Time of Parliament, some of the Lower House did not usually come up into the Committee Chamber of the Upper House, upon Design and Plot, to receive a Direction from him what to do in their House.

Answer. Some of the Lower House came thither every Day, sometimes to him, sometimes to others: when he went out he spake with them ordinarily and familiarly, as every one else did, and divers Times of what was doing in their House, and of other Parliament Businesses; but, that he had ever any Design or Plot in their coming thither, he utterly denieth.

4. WHETHER, after the King had declared his Purpose to adjourn the Parliament, whether he had not Practice with some of the Lower House to cross the King, either when he would have had no Bills to pass, or afterwards when he would have had Bills to pass?

Answer. He knew of no fuch Practice at either of those Times.

5. WHETHER he had no Practice with some of the Lower House, to work that some Part of the Subsidies now granted might be sent over to the King

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King and Queen of Bohemia, by Order of the House, without coming at all into the Exchequer.

Answer. That Question was the first Word that

ever he heard of any fuch Thing.

# The Earl's Examination the fecond Day.

1. THE same Question which the Time before was first asked; and, whether now upon more Consideration he had found no Cause to answer otherwise than he had done?

Answer. Upon all the Confideration that might be, he could make no other Answer than before.

2. What Discontents he had lately received, and how he had expressed them, either towards the King, Government, or any Person near him?

Answer. He had received none, nor had expreffed any, that he knew, towards the King or his Government. If there had been Unkindnesses between him and any near the King, that concerned not his Majesty.

3. WHETHER he had not faid Things were amiss

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Answer. He had spoken freely and ordinarily of all such Things as had been handled in Parliament, as he thought every one else had done; but had not been curious to see the Faults.

4. WHETHER he had not faid, there would never be a good Reformation, while one did so wholly

govern the King?

Answer. He denied it.

5. What he meant by a Speech which he used to the Bishop of Coventry and Litchfield, by Way of Discourse, that he had made unseasonable Motions?

Answer. He meant it by the Motion he had made, when the Controversy was between my Lord of Buckingham and him in the House; for he thought his Motion would have been more seasonable when the House had decided who was in the Error.

Vol. II. B b b 6. Whe-

6. WHETHER he had not faid, he liked not to come to the Council Board, because there were so many Boys and base Fellows?

Answer. He denied it.

7. WHETHER he knew of the Business of Ireland, before it was moved?

Answer. He had heard it spoken of before at his own House, by Sir John Jephson.

8. WHETHER he had heard no Motion made to

wear Swords in the Upper House?

Answer. Never: but he and others did observe, that Swords were still worn there; and, when he saw every one else do so, he did so too.

9. WHETHER he did not hear one that fate near him fay, he would go forth and put on his Sword and return; and he encouraged him to do fo?

Answer. He did hear one say, that he had left his Sword with his Boy, and he would go put it on and come again, or somewhat to that Purpose; and he thought (attending the Business of the House) he said, go.

10. WHETHER he did not say, they had like to

come to Blows?

Answer. He said, that he saw that Heat in the House, that, if the Prince had not been there, they had been like to have come to Blows.

The two first Examinations of Sir Edwin Sandys.

1. What Conference he had at any Time, and with whom, touching a Petition to be made to the King, by the Parliament, for the long Continuance thereof, after his Majesty had signified to the Houses his Purpose of dissolving thereof; and, where he dined that Day the Message was brought?

2. What Conference he had, and with whom, either by Word, Message, or Writing, concerning a Change offered by the King to the Houses, by the Mouth of the Lord Treasurer, whether they would

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have a Ceffation of it by selecting some few Bills to be passed, such as his Majesty should like of, or an Adjournment to some other Time?

3. WHAT Conference he had, and with which of the Lords, at any Time, in the Committee Cham-

ber of the Upper House?

4. What Conference he had, and with whom, touching a Benevolence to be given to the Lady Elizabeth?

5. WHAT Conference he had with the Baron Dour at any Time, and in what Places, and to what Purpose?

6. What Conference he had at any Time concerning the Match with Spain, and with whom he had Discourse thereof, as he remembereth?

Upon all these Points he was examined every Day; and these two following were added

the two last Days.

I. Upon a Letter found in his Closet from one Mr. Brewer, living at Amsterdam, he was demanded, when he had received it? what Answer he had made to it? and of his Correspondence with the Brownists?

2. Upon a Meditation found in his Closet, began to be penned by him, touching the Power of God, fomething was therein spoken of the Kings of the Earth, Judges, Magistrates, Masters of Families, and of their Power and Right, which he was willed to explain.

# The Earl of Oxford's Examination.

1. WHAT he thought of the Spanish Match?

2. WHAT he thought of the Lord Digby's Return?

## Mr. Selden's Examination.

1. WHETHER he did not wish, that the House of

Commons had Power of Judicature?

THE Question put to Mr. Selden shews in what a ferious Light the Court considered that silly Business of Floid, which see before, P. 370, & seq. Mr. B b b 2

had probably been much consulted by some Members of both Houses. The Writer of his Article in the Biographia Britannica is much mistaken in saying, that he was committed, as a principal Promoter of the famous Protest made by the House of Commons, that Protest not being made till the 18th of December, Six Months after. The exact Time and Manner of Mr. Selden's Commitment appear from Copies of the Warrant, by which he was committed, and of a Letter, which he wrote to Secretary Calvert, both preserved in one of the Harleian Manuscripts.

MSS. Harl. A Copy of the Warrant for apprehending Mr. Jo. Selden, of the Inner Temple, the 16th of June, 1621.

To our very loving Friend, Cuthbert Lamplugh, Gent.

FTER our very hearty Commendations. Whereas his Majesty hath thought fit, for fpecial Caufes and Reasons of State known to himfelf, to restrain the Person of Jo. Selden, of the Inner Temple, London, Esq; and to commit him to the Custody of Mr. Dervice, one of the Sheriffs of the City of London, and that, during his Restraint there, fome Gentlemen of Trust shall be appointed to remain with him and to keep him Company, that may prevent fuch Access to him, as his Majesty thinks not fit in his Wisdom as yet to allow: These shall be therefore to let you understand, that, out of the affured Confidence we have of your Fidelity and good Affection to his Majesty's Service, we have made Choice of you, and, by Virtue of his Majesty's Warrant to us directed, under his royal Signature, do require and authorise you to apprehend the Person of the said John Selden, and, without suffering him to have any Speech or Conference with any Person whatsoever, after Notice given unto him by you of this his Majesty's Commandment, to conduct

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duct him in your Custody and Company to the House of the said Sheriff of London, there to reside under his Charge, until his Majesty shall declare his further Pleasure; and that yourself also do remain there with him, as his Majesty hath directed, not permitting any Person by Word, Writing, or Message, to have any Conference, or hold any Correspondence with him, other than the Sheriff or yourself, or such necessary Attendant as you shall think sit to speak with him, and the same in your Hearing. So, not doubting of your careful Persormance hereof, we bid you very heartily farewell. From Whiteball, the 16th of June, 1621.

Your very loving Friends,

LENOX. T. ARUNDELL.
H. FALKELAND.
GEO. CALVERT. LIONELL CRANFIELD.

THE Copy of a Letter written by John Selden, of the Inner Temple, Efq: to Sir George Calvert, Knt. his Majesty's Principal Secretary, immediately after his Restraint according to the foregoing Warrant.

Most Honoured Sir,

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I now fuffer (but why on my Soul I cannot guess) falls in a Time, when I have divers Businesses of private Men's in my Hands, and under my Direction. The Warrant of my Commitment is somewhat strict. My humble Request is, that through your Favour I may have granted me so much Liberty here, as that I may have Speech with my Friends on such Kinds of Business, openly in the Hearing of these Gentlemen, who are trusted with me. And I profess it on the Hope of my Salvation, that there is not a Secret, that hath or can possibly have any Reference to the Publick, touching which I desire either to hear or tell any thing, from or to B b b 2

any Person living: so clear is my Breast. And I befeech your Honour, let me be despatched in the making it appear. So I humbly beseech you also, that my Papers (which are the Labours of many Hours, and a great Part of the Furniture of my Study in my Profession, among which there is nothing which was written for secret) may be safe. Let me obtain these Suits now, and my Liberty once had (which I know I never deserved to lose) shall express me

Ever bumbly at your Honour's Service,

June 18, 1621. From Mr. Sheriff Dervice his House. Jo. SELDEN.

P. 278. We will not deign the hearing or answering of it.] What follows after these Words of the King's Letter is wanting both in Rushworth and Franklin. It is difficult to account for this Imperfection in their Copies, as this Letter, with the other Letters and Messages from the King to the House, upon this Occasion, was printed, soon after the Dissolution of the Parliament, in a Book (as Cambden calls it) entitled, "His Majesty's Declaration, touching his F Proceedings, in the late Affembly and Convention " of Parliament." A Copy of this Declaration is preserved in the above mentioned Volume of Mr. Petyt's Collections, though none of the Historians of this Reign appear to have feen it. As it is in itself a curious State Paper (being a formal Appeal to the People, on Behalf of the King against the Commons) and is a strong Proof of the Accuracy of the foregoing Collections, it is thought proper to be reprinted here, such Parts only being omitted, as have been inserted before in the Collections in the same Words.

His Majesty's Declaration touching his Proceed-Imprinted at ings in the late Assembly and Convention of Benbam, Parliament.

Norton, and John Bill, Printers to the King's

with the Advice and uniform Confent of Our Most Excelwhole Privy Council, determined to diffolve the lent Majefty, Affembly and Convention of Parliament, lately called together, by Our regal Power and Authority, We were pleased by Our Proclamation, given at Our Palace at Westminster, the Sixth Day of January, to declare, not only Our Pleasure and Resolution therein, but also to express some especial Passages and Proceedings, moving us to that Resolution. Wherein, albeit, having fo many Years swayed the Swords and Sceptres of three renowned Kingdoms, We cannot but discern (as much as any Prince living) what appertaineth to the Height of a powerful Monarch, yet that all Men might discern, that We, like God's true Vicegerent, delight not so much in the Greatness of Our Place, as in the Goodness and Benignity of Our Government, We were content in that one Act to descend many Degrees beneath Ourself: first, by communicating to all Our People the Reasons of a Resolution of State, which Princes use to reserve, inter arcana imperii, to themfelves and their Privy Council: fecondly, by mollifying and mixing the peremptory and binding Quality of a Proclamation with the Indulgence of a mild and fatherly Instruction; and lastly, leading them and opening to them that forbidden Ark of our absolute and indisputable Prerogative concerning the calling, continuing and dissolving of Parliaments: which, though it were more than superabundant to make our Subjects know the Reality of Our fincere Intentions, yet We, not fatisfied therewith, but finding the Bounds of a Proclamation too straight to contain and express the boundless Affection that

We bear to Our good and loving People, are pleafed hereby to enlarge Ourself (as We promised in Our faid Proclamation) by a more full and plain Expreffion of those Letters and Messages that passed from us to the Commons in Parliament; which by Reafon of the Length of them could not be related at large, but briefly pointed at in Our faid Proclamation. For, as in general the great Actions of Kings are done as upon a Stage, obvious to the publick gazing of every Man, so are we most willing that the Truth of this Particular, concerning our own Honour and the Satisfaction of our Subjects, should be represented unto all Men without Veil or Covering, being affured that the most Freedom and Plainness will most advantage us; having in this and all our Actions ever affected fuch Sincerity and Uprightness of Heart, as, were we all transparent, and that Men might readily pass to our inward Thoughts, they should there perceive the self-same Affections which we have ever professed in our outward Words and Actions.

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HAVING anticipated the Time of reassembling Our Parliament to the 20th of November last (which we formerly appointed to have met upon the 8th of February next) upon the Confidence their noble and generous Declaration, at their parting the 4th of June, put us in of their free and liberal Assistance to the Recovery of our Children's ancient Inheritance, and having declared to them our Resolution of taking upon us the Defence of our Children's Patrimony by Way of Arms, the House of Commons very heartily and dutifully fell immediately after their reassembling to treat of a necessary Supply, and concluded for the present to grant a Subfidy to be paid in February next (the last Payment of the latter Subfidy granted by them being not to come in until May following) whereby We were well and clearly fatisfied of the good Intention of the Commons in general, by whose uniform Vote

and Affent that Subfidy was refolved on, not without Intimation of a more ample Supply to be yielded in convenient Time.

But, before this their Resolution was reduced into a formal Act or Bill, some discontented Perfons, who were the Cause of all that Evil which succeeded, endeavouring to clog the good Will of the Commons with their own unreasonable Ends, fell to dispute in the House of Our high Prerogatives; namely, of the Match of Our dearest Son the Prince: of the making War with foreign Princes, our Allies, between whom and Us there was a firm Peace religiously made and observed hitherto: all which they covered with a Cloak of Religion, and with the fine Pretence of a dutiful Petition to be preferred to Us. We, understanding right well, that these Points were not disputable in Parliament, without Our own royal Direction, being of Our highest Prerogatives, the very Characters of Sovereignty; and thinking, that, when every Subject, by Nature and the Laws of the Realm, had the Power of matching their Children according to their own best liking, none should deny us the like; especially We having, at the Beginning of the Parliament, declared Our Purpose concerning the matching of Our Son the Prince, were fully perfuaded, that those specious Outsides of Religion and humble Petitioning were added only to gain Passage unto those Things, which, being propounded in their true Colours, must needs have appeared unjust and unreasonable, as Matters wherewith never any Parliament had prefumed to meddle before, unless they had been thereto required by their King; nay, not befitting Our Privy Council to meddle with without Our special Command and Allowance; fince the very confulting upon fuch Matters, (though in never fo private a Manner) being discovered abroad, might at some Time produce as ill Effects, as if they were publickly refolved upon. For, as concerning the Point of Religion,

gion, We, as well in the Beginning of the Parliament, by a publick and open Declaration made to both Houses in the higher House of Parliament, as also shortly after by a gracious Answer to a former Petition of their's, expressed to the full our immutable Resolution to maintain true Religion, besides the untainted Practice of Our whole Life in that And, howfoever an humble Petition bear a fair Shew of Respect, yet, if, under Colour of concluding on a Petition, a Way should be opened to treat in Parliament of the Mysteries of State, without Our royal Allowance, it were a great and unufual Breach upon the royal Power. Besides, who knoweth not, that the preferring a Petition includes an Expectation to have it granted? and therefore, to nip this fpringing Evil in the Beginning, we directed Our Letters to the Speaker of that House, the Tenor of which Letters followeth.

[Here follows the King's Letter to the Speaker,

which see before, P. 277.1

Which Letters being publickly read in the House, they were so far either from reforming their pretended Petition, which contained those Points by Us forbidden, or yet from going on cheerfully in propounding of good Laws, for which they were called, and to which Purpose we granted them, in the End of Our said Letter to the Speaker, to make it a Session before Christmas, whereof we understood them to be very desirous, that they resolved to send the same unto Us, together with another Petition justifying the former, notwithstanding Our forbidding them in Our said Letter to send the former Petition unto Us; as also sate ever silent after, till they were dissolved, as shall hereafter be more largely expressed.

Those Petitions being sent from the Commons, by a select Number of that House, unto Us, then being at Newmarket for Our Health, the House forbore to proceed in any Business of Importance, purposing

Event proved, so to continue, until the Return of their Messengers with Our Answer: which We understanding, and being desirous to have the Time better husbanded, as was sit (the Shortness thereof by Reason of the Approach of Christmas being respected) required our Secretary to deliver a Message unto them for this Purpose; which he did, first by Word of Mouth, and after, by Appointment of the House, set it down in Writing, in these Words.

[HERE follows the King's Message, which see be-

fore, P. 311.]

Bur this Message, being delivered, was so far from working that good Effect, which We did most justly expect, that contrarywife some captious and curious Heads took Exception thereat, as tending to the Breach of their Privileges, by commanding them to proceed with Bills, though We thereby neither designed any particular Bills for them to proceed with, nor yet forbade any other Parliamentary Proceedings: and with these and such other undutiful Strains of Wit they Jun out the Time, until the Return of their Messengers, who, being come to Newmarket, delivered both the Petitions unto Us; who well knowing beforehand the Effect of the former, and then observing the Contents of the latter, and finding that from both did reflect upon our Person and Government sundry causeless Aspersions, and that thereby Our Royal Prerogatives were invaded and affailed, after an Admonition to beware of meddling therewith, We returned unto them Our Answer in Writing, as follows.

[HERE follows His Majesty's Answer to the apologetick Petition, &c. which see before, P, 317.]

This Answer being given at Newmarket, on Tuesday the Eleventh of December, and returned to

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the House on Friday the Fourteenth of that Month, Ime carping Wits, that were more inclinable to pervert and wrest our Words to a Sense contrary to their Meaning, than to do any good Office between Us and Our People, began to take Exceptions at some Words concerning their Privileges, toward the End of Our faid Answer, that thereby their Privileges were denied and infringed. And by their Example others of more moderate and better Temper were drawn into some Doubts and Jealousies, which occafioned much Discontentment in the House; which coming to our Ears, and being willing to omit nothing on our Part, that might affure the Commons that we meant nothing less than to violate their Privileges, for Explanation of Our true Intent in the former, We wrote Our Letters directed to Our Secretary, which follows in these Words.

[Here follows the King's Letter to Secretary Calvert,

which fee before, P. 339.]

AND, finding that, notwithstanding all this Care taken by Us for their Satisfaction, and that Our thrice reiterated pressing them to husband well the Shortness of Time, in doing good Business sit for a Parliament, We were so far from prevailing with them, as to all these three Admonitions of Our's, which are here related (first, by Our Message, delivered by Our Secretary; next, by Our Conclusion of Our Answer to their Petition; and lastly, by the Conclusion of Our Explanation sent to Our Secretary) We neither got Answer nor Obedience; yet the continual Care We had, that this Meeting should not dissolve without some Fruit for the publick Good of Our Subjects, made us address another Letter to the Speaker, in these Words.

[Here follows the King's Letter to the Speaker, from

Theobald's, which see before, P. 350.]

AND having at last, as we hoped, by these Means, scattered and dispersed those Mists and Vapours which

had been thus raised about their Privileges; the House being resolved, on *Tuesday* the 18th of *December*, to return Thanks unto Us, and therewith to make an Excuse for not making a Session, and passing Bills, both contained in a Petition in Writing, and despatched the same to Us, being by that Time come to Theobald's, the Tenour whereof followeth:

[Here follows the *Petition*, which fee before P. 356.] This We accepted graciously, and returned them an Answer by their own Messengers, in these

Words.

[HERE follows the King's Meffage, which fee be-

fore, P. 361.]

Which Message was accordingly delivered the next Morning in the House of Commons. But, while We were busied at Theobald's in receiving their Petition, and returning this Answer, agreeable to Our Grace and good Intention towards them, these mutinous and discontented Spirits, never giving over their wicked Purposes, began anew to stir the Coals of Discontentment among them; and making them believe that their Privileges were yet in Danger (upon what Ground God knows, We cannot imagine or guess) procured a Committee to be made, for taking their Liberties into Consideration; where a Protestation was made (to whom we know not) concerning their Privileges, which they pretended to be violated by Our Letters and Messages; and thereupon in an unseasonable Hour, being Six o'Clock at Night, and a very thin House, scarcely coming to a third Part of a full Number, contrary to their own Custom in all Matters of Weight, they conclude and enter a Protestation for their Liberties, in such ambiguous and general Words, as might serve for future Times to invade most of those Rights and Prerogatives annexed to Our Imperial Crown, as be the very Marks and Characters of Monarchy and Sovereignty, and whereof we found our Crown undoubtedly possessed.

For,

For, founding the Claim of their Privileges upon the Words of Our Writ for affembling a Parliament, the Contrivers of that Protestation craftily mentioned some Words, viz. Super arduis regni negotiis; but of Purpose left out quibusdam, which restrains that Generality to such particular Cases as We are [pleased] to consult with them upon. And the very uncontrolled Custom of all Times doth manifestly prove, that the King himself, or his Chancellor in his Name, doth, at the very Beginning of the Parliament, declare unto them what Things these quibusdam are, wherein he craveth their Advice and Affistance. And Use is ever the best Interpreter of Words in a Cafe of this Nature. Upon which undutiful Protestation We were justly occasioned to publish Our Pleasure for the Dissolution of the Parliament, as appears by Our \* Proclamation.

\* The Proclamation is inferted in the Parliamentary History, Vol. 5, from Rymer.



FINIS.